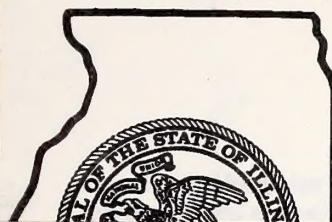


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ILLINOIS REGISTER

Rules of Governmental Agencies

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Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Security

Code Citation: 20 Ill. Adm. Code 501

- 2) Section Numbers: 501.130
Proposed Action:
 Add Section

- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat., 1987, ch. 38, par. 1003-2-2).

- 5) A Complete Description of the Subjects and Issues Involved: Statutory citations are being updated and a new Section is being added to clearly state the Department's policy on drug and alcohol testing of committed persons. Current rules (20 Ill. Adm. Code 504) merely state the penalties for failure to cooperate in drug or alcohol testing.

- 6) Will this proposed rule replace an emergency rule currently in effect?
 No.

- 7) Does this rulemaking contain an automatic repeal date? Yes
 X No

- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking contains no State mandates.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
 Illinois Department of Corrections
 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of the publication will be considered.

- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 501
SECURITY

SUBPART A: RESORT TO FORCE

Section	
501.10	Applicability
501.15	Responsibilities
501.20	Definitions
501.30	Resort to Force
501.40	Justifiable Use of Force
501.50	Firearms Authorization
501.60	General Use of Chemical Agents
501.70	Use of Chemical Agents in Cells (Consent Decree)
501.80	Training

SUBPART B: GENERAL SECURITY

Section	
501.100	Applicability
501.105	Responsibilities
501.110	Movement of Committed Persons
501.120	Response to Serious Institutional Disturbances
501.130	Substance Abuse

SUBPART C: SEARCHES FOR AND DISPOSITION OF CONTRABAND

Section	
501.200	Applicability
501.205	Responsibilities
501.210	Definition
501.220	Searches for Contraband
501.230	Disposition of Contraband

SUBPART D: PROTECTIVE CUSTODY

Section	
501.300	Applicability
501.305	Responsibilities
501.310	Requirements
501.320	Procedure for Placement
501.330	Periodic Reviews
501.340	Recommendation for Transfer
501.350	Procedure for Involuntary Placement

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Sections 7-1, 7-9, 31A-1 and 103-1(c) of the Criminal Code of 1961 and Section 7-3 of the Code of Criminal Procedures of 1963 and Sections 3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1(c), 3-8-8 and 3-10-8 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 7-1, 7-9, 31A-1, 103-1(c), et seq., 7-3, 1003-2-2, 1003-4-3, 1003-6-2, 1003-6-4, 1003-7-2, 1003-7-4, 1003-8-1(c), 1003-8-8 and 1003-10-8) and authorized by Section 3-2-2(n) and 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2(n) and 1003-7-1). Sections 501.70 and 501.220 and Subpart D are also implementing Consent Decrees (Czajaka vs. Brierton, #76 C 772, N.D. Ill. 1977; Drew vs. Sielaff, #73 C 2911, N.D. Ill. 1977; and Meeks vs. Lane, #75 C 96, N.D. Ill. 1981).

SOURCE: Adopted and codified at 8 Ill. Reg. 14628, effective August 1, 1984; amended at 11 Ill. Reg. 14697, effective 9/1/87; amended at 13 Ill. Reg. _____, effective _____.

NOTE: All capital letters indicate statutory language.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENT

SUBPART B: GENERAL SECURITY

Section 501.130 Substance Abuse

a) Committed persons shall be subject to random or routine testing for unauthorized use of drugs or alcohol. Such testing shall not be used to harass, intimidate or unduly embarrass committed persons.

1) Drugs shall mean any substance ingested, inhaled or injected which is used to prevent a disease or as narcotics, stimulants, depressants or other chemical substances, including controlled substances identified in the Cannabis Control Act and the Controlled Substance Act (Ill. Rev. Stat. 1987, ch. 56 ½, pars. 703 and 1100 et seq.) and over-the-counter medications.

2) Alcohol shall mean any substance ingested which contains alcohol, including beer, wine, liquor, liqueur, cough medicine, etc.

b) Testing shall be conducted on a random basis as determined by the Chief Administrative Officer in a manner in which neither staff or committed persons may predetermine the frequency or on whom the testing will be conducted. Random testing may include, but not be limited to, testing of the entire inmate population of the facility, or specific units or program areas within the facility.

c) Testing shall be conducted on a routine basis as determined by the Chief Administrative Officer.

d) Committed persons shall be subject to discipline in accordance with 20 Ill. Adm. Code 504 for failure to submit to drug or alcohol tests; for tampering or attempting to tamper with the specimen or test results; or where their test results reveal unauthorized use of drugs or alcohol.

(Source: Added at ___ Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Barber, Cosmetology & Esthetics Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3) Section Numbers: Proposed Action:
 1175.425 Amending
 1175.600 Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 1703-7, Public Act 85-1302, effective January 01, 1989.

5) A Complete Description of the Subjects and Issues Involved: Cosmetology teachers will be required to obtain 5 hours of continuing education (CE) for the 9-30-90 renewal. The number of hours required has been reduced for the 9-30-90 renewal only. Beginning with the 9-30-92 renewal of cosmetology teacher licenses, 10 hours of CE will be required. These hours must be obtained within the 24 months before the license expires (i.e., the 10 hours of CE used to renew a license which will expire on 9-30-92 must be obtained between 10-1-90 and 9-30-92). CE must be obtained from a sponsor of cosmetology teacher CE that is approved by the Department. A cosmetology teacher licensed in another state that also requires CE may use the hours obtained to meet the CE requirement in the other State for the renewal of their Illinois cosmetology teacher's license.

Cosmetologists who also hold a cosmetology teacher license may elect to obtain their CE hours from an approved cosmetology teacher CE sponsor. These hours, if applied toward the fulfillment of the cosmetologist CE requirement cannot also be used toward fulfillment of the cosmetology teacher CE requirement. Cosmetology teachers will be required to certify to completion of the required CE on their renewal applications. The Department may require additional evidence demonstrating compliance with the CE requirements. CE requirements do not have to be met by cosmetology teachers renewing their license for the first time only.

These amendments set forth application procedures and standards that cosmetology teacher CE sponsors must comply with in order to become approved sponsors.

- 6) Will these proposed Rules replace an emergency Rule currently in effect?
 Yes

Section Numbers	Proposed Action	Illinois Register Citation
1175.425	Amending	13 Ill. Reg. 6810, April 28, 1989
1175.600	Amending	13 Ill. Reg. 6810, April 28, 1989

- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed Rules contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 05, 1989
- B) Types of small businesses affected: Licensed cosmetology teachers.
- C) Reporting, bookkeeping or other procedures required for compliance: Cosmetology teachers will be required to certify to completion of the continuing education requirements on their renewal application. Entities wishing to become approved cosmetology continuing education sponsors or cosmetology teacher continuing education sponsors will be required to file a separate application for each with the Department.
- D) Types of professional skills necessary for compliance: Licensed cosmetologists, approved cosmetology continuing education sponsors or approved cosmetology teacher continuing education sponsors.

The full text of the Proposed Rules begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175

THE BARBER, COSMETOLOGY AND ESTHETICS ACT OF 1985

SUBPART A: GENERAL

Section

1175.100 Fees
 1175.105 English Translations
 1175.110 Granting Variances

SUBPART B: BARBER

Section

1175.200 Examination - Barber
 1175.205 Examination - Barber Teacher
 1175.210 Examination Requirements
 1175.215 Application for Licensure
 1175.220 Endorsement
 1175.225 Renewals
 1175.230 Restoration - Barber
 1175.235 Restoration - Barber Teacher

SUBPART C: BARBER SCHOOLS

Section

1175.300 School Approval Application
 1175.305 Physical Site Requirements
 1175.310 Student Contracts
 1175.315 Advertising
 1175.320 Recordkeeping - Transcripts
 1175.325 Recordkeeping - Hours Earned
 1175.330 Curriculum Requirements - Barber
 1175.335 Curriculum Requirements - Barber Teacher
 1175.340 Final Examination
 1175.345 Change of Ownership
 1175.350 Change of Location
 1175.355 Change of Name
 1175.360 Expansion
 1175.365 Discontinuance of Program
 1175.370 Withdrawal of Approval

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: COSMETOLOGY

Section

1175.400 Examination - Cosmetology
 1175.405 Examination - Cosmetology Teacher
 1175.410 Examination Requirements
 1175.415 Application for Licensure
 1175.420 Endorsement
 1175.425 Renewals
 1175.430 Restoration - Cosmetology
 1175.435 Restoration - Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section

1175.500 School Approval Application
 1175.505 Physical Site Requirements
 1175.510 Student Contracts
 1175.515 Advertising
 1175.520 Recordkeeping - Transcripts
 1175.525 Recordkeeping - Hours Earned
 1175.530 Curriculum Requirements - Cosmetology
 1175.535 Curriculum Requirements - Cosmetology Teacher
 1175.540 Final Examination
 1175.545 Change of Ownership
 1175.550 Change of Location
 1175.555 Change of Name
 1175.560 Expansion
 1175.565 Discontinuance of Program
 1175.570 Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

Section

1175.600 Sponsor Approval
 1175.605 Department Supervision
 1175.610 Credit Hours
 1175.615 Waiver of Continuing Education Requirements

AUTHORITY: Implementing the Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1987, ch. 111, par. 1701-1 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. ____, effective ____.

SUBPART D: COSMETOLOGY

Section 1175.425 Renewals

a) Every license issued under the Act shall expire as follows:

- 1) Cosmetology teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
- 2) Cosmetologists licenses shall expire on September 30 of each odd numbered year.
- 3) The holder of a certificate of registration may renew such certificate during the month preceding its expiration date.

b) Applicants for renewal shall:

- 1) Return a completed renewal application.
- 2) Cosmetology -- Certify on the renewal application to successful completion of a minimum of 20 hours of continuing education from a cosmetology sponsor approved by the Department, in accordance with Section 1175.600 of this Part, within the 2 years prior to the expiration date of the license, ~~renewal~~ if renewing a cosmetology license.
- A) For the renewal period of October 1, 1987 to September 30, 1989, each individual who applies for renewal, other than first time renewal applicants, shall be required to complete only 10 hours of continuing education. For every renewal thereafter, the individual shall be required to complete 20 hours of continuing education.
- B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

shall be required in the context of the Department's random audit.

- D) Cosmetologists who also hold a cosmetology teacher license may elect to obtain their continuing education hours from a cosmetology teacher continuing education sponsor approved by the Department in accordance with Section 1175.600 of this Part. These hours, if applied toward the fulfillment of subsection 2(A) above, cannot also be used toward the fulfillment of the cosmetology teacher continuing education requirement. In addition, the hours must be earned during the appropriate prerenewal period.

- 3) Cosmetology Teacher -- Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a cosmetology teacher continuing education sponsor approved by the Department, in accordance with Section 1175.600 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher license.

- A) For the renewal period of October 1, 1988 to September 30, 1990, each individual who applies for renewal, other than first time renewal applicants, shall be required to complete only 5 hours of continuing education. For every renewal thereafter, such individual shall be required to complete 10 hours of continuing education.

- B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

- C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

- 4) ~~3)~~ Submit the required fee.

- 5) ~~4)~~ It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

Section 1175.600 Sponsor Approval
EMERGENCY

- a) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department to coordinate and present continuing education (CE) courses or programs for cosmetologists or cosmetology teachers or both.
- b) A cosmetology continuing education sponsor application shall be filed with the Department to be approved as a cosmetology continuing education sponsor. A cosmetology teacher continuing education sponsor application shall be filed with the Department to be approved as a cosmetology teacher continuing education sponsor. A sponsor shall file a sponsor application with the Department and All sponsors shall certify that they will comply with all sponsor CE requirements set forth in Subpart F.
- c) A cosmetology sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to a cosmetologist's knowledge and ability to perform his duties as a cosmetologist. A continuing education program or course must meet the following minimum requirements:
 - 1) A cosmetology course or program shall include as its subject matter one or more of the following:
 - A) Advanced product chemistry and chemical interaction;
 - B) The use of machines for care of the face and skin;
 - C) Sanitary procedures;
 - D) Updated use of styling implements as they relate to applicable services under this Act;
 - E) Advanced knowledge of the anatomy of the skin, scalp, and hair;
 - F) Human relations/communications skills; and
 - G) Management and marketing.
 - 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.

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- 3) All programs must include a student evaluation of both the instructor and the course.
- 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- d) A cosmetology teacher CE sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to a cosmetology teacher's knowledge and ability to perform his duties as a cosmetology teacher. A continuing education program or course must meet the following minimum requirements:
 - 1) A course or program shall include as its subject matter one or more of the following:
 - A) Educational Psychology;
 - B) Teaching Techniques as they apply to the use of machines for care of the face and skin;
 - C) Teaching Methods;
 - D) Business Methods;
 - E) Human Relations;
 - F) Counseling Techniques;
 - H) Student Evaluation Skills;
 - I) State and Federal Laws pertinent to Cosmetology;
 - J) Tests and Measurements; and
 - K) Written and Verbal Communication Skills.
 - 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.
 - 3) All programs must include a student evaluation of both the instructor and the course.
 - 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned.

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earned. Such information shall be specified in all promotional materials.

- e) 5) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address, identification number of participants, course title, CE hours awarded, date of course, name of instructor, and name of sponsor.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part:

Pertussis Vaccine Pamphlet Code

- 2) Code Citation:

77 Ill. Adm. Code 698

- 3) Section Numbers:

698.10
698.20
698.30
698.40
698.50
698.60
698.70
Appendix A

Proposed Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section

- 4) Statutory Authority:

Pertussis Vaccine Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.

- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking attempts to specify the reporting requirements for adverse effects associated with pertussis vaccine and the language of an informational pamphlet on pertussis vaccine. These rules require all health care providers to maintain records on the administration of pertussis vaccine recording and reporting to the Department all major adverse reactions. The contents of the informational pamphlet were developed with comments from interested parties and contain information primarily derived from other publications.

The economic effect of this rulemaking on the regulated public is unknown. The Department invites any detailed comments on potential costs associated with this rulemaking.

The Department anticipates adopting this rulemaking by July, 1989.
Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

June 21, 1989
3:00 p.m.
Ninth Floor Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph Street, Suite 6-600
Chicago, Illinois 60601

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Other Pertinent Information Concerning this Rulemaking:

The hearings will be for the purpose of gathering public comment on the implementation of these rules. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as the Hearing Officer deems necessary.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No

If "yes," please specify type: 6.02(a) or 6.02(b) X

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

This rulemaking may create or expand a state mandate. These regulations are the minimum requirements the Department believes necessary in order to comply with the statutory mandate to develop and distribute a pamphlet and require reporting.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

See Complete Description of Subjects and Issues for public hearing notice.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

May 3, 1989

B) Type of Small Businesses Affected:

Local health departments, hospitals, physicians, other health care professionals.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Notification of adverse reactions to pertussis vaccine.

D) Types of Professional Skills Necessary for Compliance:

No specific professional skills.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 698
PERTUSSIS VACCINE PAMPHLET CODE

Section

698.10 Applicability

698.20 Definitions

698.30 Pertussis Vaccine Pamphlet

698.40 Health Record - Recording and Reporting

698.50 School Admission - Immunizations

698.60 Liability

698.70 Distribution of Pamphlet By Hospitals

Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT

AUTHORITY: Implementing and authorized by Pertussis Vaccine Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

Section 698.10 Applicability

This Part applies to all facilities, institutions and entities which administer pertussis vaccine in any form.

Section 698.20 Definitions

"Act" means the Pertussis Vaccine Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Section 2 (b) of the Act.)

"DIRECTOR" MEANS THE DIRECTOR OF PUBLIC HEALTH. (Section 2 (a) of the Act.)

"HEALTH CARE PROVIDER" MEANS ANY LICENSED HEALTH CARE PROFESSIONAL OR PUBLIC OR PRIVATE HEALTH CARE FACILITY IN THIS STATE THAT ADMINISTERS PERTUSSIS VACCINE including local health authorities and designated agencies. (Section 2 (c) of the Act.)

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"MAJOR ADVERSE REACTION" MEANS COLLAPSE OR SHOCK, HIGH PITCHED SCREAMING, PERSISTENT CRYING FOR THREE OR MORE HOURS, EXCESSIVE SOMNOLENCE (SLEEPINESS), TEMPERATURE OF 103 DEGREES, CONVULSIONS WITH OR WITHOUT ACCOMPANYING FEVER OR SEVERE ALTERATIONS OF CONSCIOUSNESS OR ANY SERIOUS ILLNESS, DISABILITY OR IMPAIRMENT OF MENTAL, EMOTIONAL, BEHAVIORAL OR PHYSICAL FUNCTIONING OR DEVELOPMENT, THE FIRST MANIFESTATION OF WHICH APPEARS WITHIN 30 DAYS OF THE DATE OF ADMINISTRATION OF PERTUSSIS VACCINE, AND FOR WHICH THERE IS REASONABLE SCIENTIFIC OR MEDICAL EVIDENCE THAT PERTUSSIS VACCINE CAUSES OR SIGNIFICANTLY CONTRIBUTES TO THE ILLNESS, DISABILITY OR IMPAIRMENT. (Section 2 (d) of the Act.)

"PERTUSSIS VACCINE" MEANS ANY VACCINE CONTAINING A SUBSTANCE INTENDED TO PREVENT THE OCCURRENCE OF PERTUSSIS, WHICH IS ADMINISTERED SEPARATELY OR IN CONJUNCTION WITH OTHER SUBSTANCES INTENDED TO PREVENT THE OCCURRENCE OF OTHER DISEASES. (Section 2 (e) of the Act.)

Section 698.30 Pertussis Vaccine Pamphlet

THE DIRECTOR SHALL PREPARE AND MAKE AVAILABLE UPON REQUEST TO ALL HEALTH CARE PROVIDERS, PARENTS AND GUARDIANS IN THE STATE, A PAMPHLET WHICH EXPLAINS THE BENEFITS AND POSSIBLE ADVERSE REACTIONS TO IMMUNIZATIONS FOR PERTUSSIS. This pamphlet is attached as Appendix A PERTUSSIS VACCINE PAMPHLET.

(Section 3 of the Act)

Section 698.40 Health Record - Recording and Reporting

All health care providers which administer pertussis vaccine shall maintain records of the administration of pertussis vaccine and reactions to the vaccine in the following manner:

a) UPON ADMINISTERING A PERTUSSIS VACCINE TO A CHILD IN THIS STATE, A HEALTH CARE PROVIDER SHALL RECORD AND RETAIN AS PART OF THE CHILD'S PERMANENT HEALTH RECORD the following information:

- 1) THE DATE THE VACCINE WAS ADMINISTERED,
- 2) THE MANUFACTURER of the vaccine administered,
- 3) A LOT NUMBER AND ANY OTHER AVAILABLE IDENTIFYING INFORMATION OF THE VACCINE THAT WAS ADMINISTERED, AND
- 4) THE NAME, address, telephone number, AND TITLE OF THE HEALTH CARE PROVIDER WHO ADMINISTERED THE VACCINE.

(Section 7 of the Act.)

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- b) Recording and Reporting Major Adverse Reactions. IF, WITHIN 30 DAYS OF ADMINISTERING A PERTUSSIS VACCINE THE HEALTH CARE PROVIDER HAS REASON TO BELIEVE THAT THE RECIPIENT OF THE VACCINE HAS HAD A MAJOR ADVERSE REACTION, THE HEALTH CARE PROVIDER SHALL take the following action:

- 1) RECORD ALL RELEVANT INFORMATION IN THE CHILD'S PERMANENT MEDICAL RECORD, AND
- 2) REPORT THE INFORMATION, INCLUDING THE MANUFACTURER AND LOT NUMBER, TO THE DEPARTMENT. (Section 8 (a) and (b) of the Act.)
The written report shall be on forms provided by the Department containing the following information:

- A) Name and address of the health care provider which administered the pertussis vaccine.
- B) The age, weight, and sex of the recipient of the vaccine.
- C) A description of the major adverse reaction experienced by the recipient of the vaccine and any other information the health care provider determines is relevant.
- D) The manufacturer and lot number of the vaccine administered.

c) Reporting forms are as follows:

- 1) Adverse Reaction Report (Drugs and Biologicals) FDA 1639 (786) OMB No. 0910-0230, Department of Health and Human Services, Public Health Services Board and Drug Administration (HFN-730) Rockville, MD 20857
- 2) Report of Adverse Event Following Immunization CDC 71.19 Rev. 9-85-OMB No. 0920-0039 (9/87), Department of Health and Human Services, Center for Disease Control, Atlanta, GA 30333

Section 698.50 School Admission - Immunizations

A CHILD SHALL NOT BE REQUIRED TO RECEIVE A PERTUSSIS VACCINE AS A CONDITION FOR ADMISSION TO A PUBLIC OR PRIVATE SCHOOL IF THE CHILD'S HEALTH CARE PROVIDER STATES IN WRITING THAT THE VACCINE IS MEDICALLY CONTRAINDICATED PURSUANT TO SUBSECTION (B)(1) OF SECTION 3 OF THE ACT AND THE REASONS FOR THE MEDICAL CONTRADICTIONS, OR IF HIS PARENT OR GUARDIAN HAS SUBMITTED A SIGNED STATEMENT TO SCHOOL OFFICIALS STATING AN OBJECTION TO THE VACCINATION ON RELIGIOUS GROUNDS. (Section 6 of the Act.)

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Section 698.60 Liability

NO PHYSICIAN, HOSPITAL NURSE OR OTHER HEALTH CARE PROVIDER SHALL BE LIABLE, NO CAUSE OF ACTION SHALL BE FILED, NO NEW CAUSE OF ACTION SHALL BE CREATED, FOR ANY ACTION OF FAILURE TO ACT REQUIRED BY OR IN CONNECTION WITH SECTION 4 OF THE ACT. (Section 5 of the Act.)

Section 698.70 Distribution of Pamphlet By Hospitals

EVERY HOSPITAL IN THIS STATE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) OR AN ACT IN RELATION TO THE FOUNDING AND OPERATION OF THE UNIVERSITY OF ILLINOIS HOSPITAL, SHALL PROVIDE THE PARENTS OR GUARDIANS OF EACH NEWBORN CHILD THE PAMPHLET PURSUANT TO SECTION 3 OF THE ACT. (Section 4 of the Act.)

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Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT

INTRODUCTION

This informational pamphlet is being made available to you to explain the benefits and possible side effects to the immunization for pertussis (the DTP shot). As a parent, you need to be aware of the importance of immunization, the possible risk associated with immunization and the risks faced by unprotected children.

Pertussis or whooping cough can be a serious disease. In some persons, especially very young children, it can cause permanent brain damage or even death. In order to protect persons from whooping cough, Illinois immunization rules "Immunizations" (77 Ill. Adm. Code 695) require children to get at least four DTP shots before they go to school. However, not all children should receive the DTP vaccine. In some cases, the "p" part (pertussis) of the DTP vaccine can cause serious reactions, including permanent brain damage or even death (See questions "WHO SHOULD NOT RECEIVE THE DTP VACCINE?", "WHEN SHOULD A CHILD'S DTP SHOTS BE DELAYED?" and "WHICH CHILDREN ARE MORE LIKELY THAN OTHERS TO HAVE A SERIOUS REACTION TO DTP VACCINE?"). So some children should not get the "p" part of the DTP vaccine at all. These children should instead receive pediatric DT (diphtheria and tetanus) in order to have protection against these two diseases. Also, for some children the series of DTP vaccine should be delayed.

It is very important for you to read and to understand the information about whooping cough and the DTP vaccine contained in this pamphlet to protect your child's health. If there is something in this pamphlet you don't understand, ask the person who gave you the pamphlet to explain it.

WHAT IS DTP VACCINE?

DTP is the abbreviation for the combined diphtheria/tetanus/pertussis vaccine generally used to prevent these three serious diseases. This 3 in 1 vaccine is made from inactive toxins and killed germs and does not cause any of the diseases against which it protects. When injected, the vaccine causes the body to create disease-fighting substances called antibodies. Pediatricians advise that children receive five injections of the DTP vaccine prior to entrance into school.

WHAT IS PERTUSSIS (WHOOPING COUGH)?

Pertussis, also known as whooping cough, is a highly contagious disease caused by the bacterium, *Bordetella pertussis*, which is found in the mouth, nose, and throat of a infected person. It is spread to others by sneezing and coughing. The disease begins with cold-like symptoms and progresses to repeated, violent coughing spells, especially at night, which can interfere

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with eating, drinking, breathing, and sleeping. The coughing spells are commonly accompanied at the end by a "whooping" sound while the victim struggles to take a breath. This is why this disease is also known as whooping cough. A child may have as many as 30 or 40 or more coughing fits per day. The disease normally lasts for 4 - 6 weeks.

WHY IS IT IMPORTANT TO IMMUNIZE CHILDREN WITH DTP VACCINE?

Whooping cough used to be an extremely common illness in the U.S. with as many as 250,000 cases reported per year during the 1930's. Widespread use of pertussis vaccine in this country since the late 1940's has contributed to a large reduction in the number of cases and deaths from the disease.

If infants and children were no longer immunized, the number of cases, the complications of illness, and the deaths due to pertussis could again become widespread, as has occurred in countries where usage of the DTP vaccine has decreased. When acceptance for the vaccine declined in Great Britain and Japan during the 1970's each country experienced serious outbreaks of pertussis; thousands of children were hospitalized and many died.

Because whooping cough is highly contagious, protection by vaccine is important for both the child who gets the shot and the community at large.

MUST MY CHILD BE IMMUNIZED WITH DTP VACCINE?

Illinois immunization rules "Immunizations" (77 Ill. Adm Code 695) require most children to receive several different immunizations before they can enter school - DTP vaccine is one of them. In order to enter school, at least 4 doses of DTP, at the proper intervals, are required; 5 are recommended.

Not all children are required to get DTP shots. A child may be exempt from Illinois school entrance immunization requirements if he or she meets the appropriate conditions for such an exemption as indicated below:

the child has any medical condition listed in the section "Who Should Not Receive the DTP Vaccine?";

the parent or guardian requests an exemption on bonafide religious grounds (in which case the objection must be universal, and not for DTP vaccine alone).

WHAT ARE THE RISKS OF GETTING WHOOPING COUGH?

In recent years, according to the Centers for Disease Control (CDC), over 2,000 cases of whooping cough have been reported each year in the U.S. Since many cases go unrecognized or unreported, the actual number of cases could be much higher.

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At the present time, approximately 30% of reported cases in the U.S. occur in infants less than 6 months old. One-half of the reported cases occur in children less than 1 year of age, and approximately 70% of the cases involve children less than 5 years of age. Whooping cough is 2 1/2 times more common in children less than 1 year of age than in children who are between the ages of 1 - 4. Fatal cases are most likely to occur in children less than 1 year of age. This is why it is important that a child be given the vaccine as early in life as possible.

Older children and adults...even those who have been vaccinated...can also contract the disease and are believed in many cases to be the source of infection in the younger children.

WHAT ARE THE POSSIBLE DANGERS OF WHOOPING COUGH?

A severe case of whooping cough can cause grave complications, among them convulsions, pneumonia, and brain damage. These effects are most likely to occur in the very young, and when they do, they can be fatal. An alarming number of whooping cough complications occur in infants younger than 1 year of age:

- more than half of the children are hospitalized (highest in infants less than 6 months of age).
- one out of five children develops pneumonia
- one child out of 40 has convulsions
- one child out of 240 develops disease of the brain or permanent brain damage
- death occurs in one out of 100 infants less than six months of age.

In recent years, an average of 9 deaths due to whooping cough have been reported each year in the U.S. While fatality is low, almost all deaths are among children under 1 year of age, most in those under 6 months.

While there is no specific treatment for whooping cough, prompt medical attention and supportive care can be successful in reducing the severity and complications of the disease.

HOW DO THE POSSIBLE RISKS OF THE DTP VACCINE COMPARE TO THE BENEFITS?

While the chance of your child being harmed from whooping cough is high, the chance of your child being harmed by the DTP vaccine is very low. The possible side effects of the vaccine should be balanced against the risks related to the disease. Both convulsions and permanent brain damage occur more frequently following whooping cough disease than after DTP vaccination.

Most U.S. doctors and public health officials believe that the benefits of pertussis vaccine outweigh the risk of reactions to the vaccine for most children.

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WHAT ARE THE POSSIBLE SIDE EFFECTS OF THE DTP VACCINE?

Vaccines are among our safest and most reliable medicines. However, vaccines, like all medicines, can cause side effects. With DTP vaccine, most children receive the full series of DTP shots without serious problems. The most common side-effects of DTP vaccine are soreness, redness and swelling at the site of the injection, a slight fever and fussiness. These reactions usually occur within the first 48 hours, are mild, and have a short duration. The frequency of these reactions is higher when more doses of DTP vaccine are given to the child. Less common, but more severe side-effects can occur.

The more serious reactions to the DTP vaccine may include convulsions; shock-collapse (turning blue or pale, limp, non-responsive); a fever of 103° F. or more; high-pitched unusual cries, which last longer than 3 hours and cannot be stopped; or unusually long sleeping with great difficulty in waking the child. Any of these signs should be reported to your doctor or health care provider at once.

Although rare, serious reactions that are possibly related to the vaccine include long-term seizure disorders, brain damage, and even death.

There is a great deal of disagreement over how often these serious reactions happen. The DTP vaccine, and particularly the "p" component, is known to cause serious reactions more often than other vaccines. It is not known how many children develop serious problems after the DTP shot, yet clearly children who receive DTP shots are at somewhat greater risk of serious reactions than those who receive DT shots, without the "p".

Because nervous system disorders such as seizures are typically first noticed in the first year of life, during the same period when three doses of DTP vaccine are given, it has been difficult to determine whether DTP vaccine causes these illnesses or whether their onset is coincidental. The DTP vaccine, therefore, may not necessarily be the cause of these rare problems.

WHEN SHOULD YOUR CHILD RECEIVE THE DTP VACCINE?

The DTP vaccine is given by injection starting early in infancy. The U.S. Public Health Service and the American Academy of Pediatrics recommend that children receive five injections of the DTP vaccine.

At least three shots are needed to provide initial protection. Young children should get 3 doses in the first year of life, normally at 2, 4, and 6 months of age, and a fourth dose at about 15 months of age. A booster dose is important for children who are about to enter school, and should be given between the ages of 4 and 6 years.

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Because pertussis is not very common or severe in older children, those 7 years of age or older should receive a vaccine that does not contain the pertussis part. The vaccine which contains no pertussis part and a lower concentration of the diphtheria part is called Id vaccine.

WHO SHOULD NOT RECEIVE THE DTP VACCINE?

Before you schedule your child to receive the DTP vaccine, plan to discuss his or her medical history with your doctor or health care provider. Some children should not receive the shot or should have the shot delayed until another time. If your child had a serious reaction following a previous dose of DTP vaccine, he or she should be fully evaluated to clarify his or her medical and neurologic status before a decision is made on continuing the DTP shots.

The use of DTP vaccine for your child needs to be closely evaluated by your doctor or health care provider if:

he or she has a known problem of the brain or nervous system which is worsening or a seizure disorder which is uncontrolled; or

he or she has already had an earlier DTP shot and any of the following reactions developed after the shot:

- a measured fever of 103° F. or greater (usually within 48 hours);
- an episode of limpness and paleness;
- a severe allergic reaction to any vaccine component;
- collapse or shock-like state within 48 hours;
- an unusual high-pitched screaming;
- convulsion(s) with or without fever occurring within 7 days; or
- other severe problems of the brain occurring within 7 days, including prolonged sleeping and inability to wake child, unusual twitching of the body or unusual staring;
- persistent crying for 3 hours or more.

Children who have had a convulsion and children who have a brother, sister, or parent who has ever had a convulsion are more likely to have a convulsion after receiving DTP vaccine. The Centers for Disease Control (CDC) and the American Academy of Pediatrics recommend that because of the overall risk of pertussis disease and the fact that the risk of convulsions is still very low: (1) children with a personal history of a convulsion and whose nervous system is stable may receive DTP vaccine; and (2) children with a family history of convulsions should receive DTP vaccine. However, you should tell the person who is to give the immunization about such a history and discuss the possibility of using an anti-fever medicine.

Your child should not need further whooping cough vaccination if he or she

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has had laboratory confirmed whooping cough. This also should be considered with your doctor or health care provider.

If a child should not receive DTP vaccine, he or she should still be protected against diphtheria and tetanus by receiving pediatric DT vaccine rather than DTP.

WHEN SHOULD A CHILD'S DTP SHOTS BE DELAYED?

A child's DTP shots should be delayed if he or she:

has a fever or ear or chest infection or is sick with an illness more serious than a cold at the proposed time for vaccination, or has not completely recovered from a past illness;

has had a previous convulsion, seizure, or nervous system illness, until it can be determined that no more seizures are happening and the condition is stable and under control; or

is taking a drug or undergoing a treatment that lowers the body's resistance to infection, such as cortisone, prednisone, certain anticancer drugs (chemotherapy), or radiation treatments.

A child's shots can be continued after he or she is well and has had a full medical evaluation.

WHICH CHILDREN ARE MORE LIKELY THAN OTHERS TO HAVE A SERIOUS REACTION TO DTP VACCINE?

The medical experts do not agree on the reasons why reactions occur following vaccination, nor can they predict in which children serious reactions will occur. But there are some factors which may make children more likely to have serious reactions.

A child may be at higher risk of a serious reaction to the "p" part of the DTP vaccine if he or she:

has had a serious reaction to a previous DTP shot;

has a neurologic illness, including a history of seizures or convulsions, the severity of which is changing or uncontrolled; or

has a fever or infection or is sick when the shot is given.

HOW TO REDUCE THE RISK OF A SERIOUS REACTION TO DTP VACCINE

It is important that a child's medical history be provided to the doctor or health care provider before he or she receives the DTP vaccine. Such a history should include, but not necessarily be limited to, the following information:

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- major birth problems;
- your child's history of convulsions (seizures) or neurological illness;
- any allergy;
- recent or present illness;
- current medicines or treatment, and
- your child's history of previous vaccine reactions.

Besides providing your doctor or health care provider with your child's medical history, there are other things which can be done to reduce the risk of a serious vaccine reaction. Make sure your child has no obvious signs of infection at the time vaccine is given. Many physicians recommend giving acetaminophen (Tylenol, Tempra) at the time of vaccination and 4 and 8 hours later to reduce fever and reactions at the injection site.

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WHAT SIGNS TO LOOK FOR IN A SERIOUS REACTION TO VACCINE

It is important to observe your child carefully at periodic intervals during the 30 days after receiving the DTP vaccine, particularly during the first 72 hours. If your child has any of the following symptoms after receiving the DTP shot, write down the details on this form to help you report the correct information to your doctor or health care provider:

SYMPTOM	DATE	TIME	DURATION	DESCRIPTION
Measured fever nearing 103 degrees Fahrenheit				
High-pitched unusual screaming				
Persistent, inconsolable crying (3 or more hours)				
Inability to wake child; unusually prolonged sleeping				
Shock or collapse; loss of muscle control; turning white, blue or gray; limpness				
Convulsion, seizure; unusual repeated twitching, jerking, startling, or staring spells				
Loss of sensory or muscle control; paralysis, limping, loss of speech, hearing or sight				
Difficulty or stoppage of breathing				
Severe local reaction; large red, blue or purple coloring with extended swelling near where the shot was given				

If any of these events happen within 30 days after your child gets a DTP shot, call your doctor or health care provider at once. Tell them about the shot, when it was given, and about your child's reaction. Arrange for a prompt examination at the doctor's office, clinic, or emergency room. When things settle down, write down in detail exactly what happened.

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WHO SHOULD I REPORT TO IF MY CHILD HAS A REACTION TO THE DTP VACCINE?

Parents should report any serious reaction occurring within 30 days of the DTP vaccine to their doctor or the health care provider who gave the vaccine. Your doctor or health care provider will report the serious reaction to the Illinois Department of Public Health, through local health authorities. The Illinois Department of Public Health upon receiving the report of the reaction will notify the manufacturer of the vaccine, through the Food & Drug Administration and the Centers for Disease Control (CDC).

WILL A MORE EFFECTIVE DTP VACCINE BE AVAILABLE?

Currently, new more purified DTP vaccines are being developed and tested in the United States and in other countries. Adequate tests to ensure that these vaccines will cause fewer reactions and be at least as effective as currently available vaccines require large numbers of test subjects. Several years will be necessary to complete development and to prove the effectiveness and safety of a new vaccine.

RECORDKEEPING FOLLOWING A DTP SHOT

Each time your child is given a DTP shot, the following information is recorded in a permanent record and is available to you from your doctor or health care provider upon request:

- the date and time of day the vaccine was administered;
- the DTP dose number;
- the name, address, and title of the person who gave the shot;
- the vaccine manufacturer name;
- the vaccine lot number; and
- site of injection

You should keep information concerning the dates of all vaccines given to your child in a permanent immunization record plus the details of any reactions that may occur until your child enters school. A personal immunization card can be provided to you by your local health department, or in areas without a local health department, by contacting the Illinois Department of Public Health Regional Immunization Program Coordinator in your area. The names, addresses and telephone numbers of the above resources can be found in the Section: "What If I Have Additional Questions Regarding DTP Vaccine?"

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IMMUNIZATION REQUIREMENTS FOR ENTRY INTO SCHOOL

Section 27-8.1 of the School Code of Illinois (Ill. Rev. Stat. 1987, ch. 122, par. 27-81) requires that every child, prior to entering any public, private/independent or parochial school in Illinois must have received certain immunizations. Proof of having received the vaccine must be verified by the signature of a health provider such as a physician, school health professional, or health official. The written record must show the month, day and year of each immunization, if it cannot otherwise be determined that the vaccine was given after the minimum interval or age.

The following immunizations are currently required in Illinois:

DTP - at least 4 doses, at appropriate intervals, for students under 6 years of age.

DT/Td - at least 3 doses, at appropriate intervals, for students 6 years of age or over.

Polio - at least 3 doses of live oral polio vaccine, at appropriate intervals, for all students.

Measles - 1 dose of live virus vaccine at fifteen (15) months of age or older (those students who were enrolled in school prior to the 1981-1982 school year and were immunized on or after the first birthday, may be considered immune).

Rubella - 1 dose of live virus vaccine on or after the first birthday.

Mumps - 1 dose of live virus vaccine on or after the first birthday.

EXCEPTIONS TO THE IMMUNIZATION REQUIREMENTS

Illinois immunization rules "Immunizations" (77 Ill. Adm. Code 695) allow for a child to be exempt from school entrance requirements if:

the parent or guardian objects to immunizations, in general, because of religious beliefs and practices (the objection must be universal and not just for DTP vaccination alone);

a physician licensed to practice medicine in all its branches (M.D. or D.O.) indicates, in writing, the medical reason for the child not to get the vaccine;

the doctor decides that because of your child's particular situation, the risks of the vaccine outweigh the benefits to the child and the public.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED RULES

Under the Illinois immunization Rules and Regulations, a philosophical or moral reluctance exemption will not be acceptable.

WHAT IF I HAVE ADDITIONAL QUESTIONS REGARDING DTP VACCINE?

Your family doctor, health care provider, or local health department can supply you with more information about DTP vaccine as well as about the Illinois school entrance immunization law and the other vaccine-preventable diseases.

The names, addresses and telephone numbers of the local health departments and Illinois Department of Public Health Regional Immunization Program Coordinators are as follows:

NAMES, ADDRESSES AND PHONE NUMBERS OF LOCAL HEALTH
DEPARTMENTS IN ILLINOIS

If the city or county in which you live has no local health department, you may contact the Illinois Department of Public Health's Regional Immunization Program Coordinator in your area who is listed below:

NAMES, ADDRESSES AND PHONE NUMBERS OF ILLINOIS DEPARTMENT OF
PUBLIC HEALTH REGIONAL IMMUNIZATION PROGRAM COORDINATORS

SUMMARY

You have the right to receive and understand the information contained in this booklet. If you don't understand any part of it, ask to discuss it before your child receives DTP vaccine. Discuss any questions you may have about the benefits or potential risks of the vaccine with your doctor or health provider.

Before your child receives the DTP vaccine, ask your doctor or health care provider about the treatment of local reactions and fever.

The success of immunizations makes it easy to forget the dangers posed to our children, but whooping cough has not "gone away."

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tools, Equipment, Supplies and Initial Stock
- 2) Code Citation: 89 Ill. Adm. Code 597
- 3) Section Numbers: 597.150
Proposed Action: amendment
- 4) Statutory Authority: Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).
- 5) A Complete Description of the Subjects and Issues involved: This amendment is proposed to comply with an agreement made with the Joint Committee on Administrative Rules to change the citation in Section 597.150 from Ill. Adm. Code 597.20 to Ill. Adm. Code 597.200.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit data, views, argument or comments about this rulemaking. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not effect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 597

TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

- 597.10 General Applicability
- 597.15 Purchase of Tools, Equipment, and Stock
- 597.20 Tools, Equipment, Supplies and Initial Stock
- 597.100 Services not Available
- 597.150 Vendor Requirements
- 597.200 Adaptive Equipment for Vehicles
- 597.300 Home Modifications
- 597.310 Written Agreements for Home Modifications
- 597.320 Capital Development Board Specifications
- 597.330 Electronic Equipment
- 597.400 Responsibility for Sales Tax and Interest/Service Charges
- 597.410 Bidding Requirements

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8843, effective June 10, 1985; amended at 10 Ill. Reg. 10749, effective June 4, 1986; amended at 11 Ill. Reg. 4320, effective March 2, 1987; amended at 11 Ill. Reg. 15229, effective August 31, 1987; amended at 11 Ill. Reg. 19133, effective November 9, 1987; amended at 13 Ill. Reg. 1568, effective January 23, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 597.150 Vendor Requirements

Vendors providing van, auto, or home modification (see 89 Ill. Adm. Code 597.200 and 597.300) for DORS' clients must provide DORS with a certificate of insurance verifying liability coverage although no specific dollar amount of coverage is required.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Use Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 150

3) Section Numbers:
 150.325 Proposed Action:
 Amendment
 150.330 Amendment
 150.1401 Amendment
 150.1405 Amendment
 150.1415 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 439.3, 439.19 and 439.22.

5) A Complete Description of the Subjects and Issues Involved: The amendments to Sections 150.325 and 150.330 expand the definition of purchasers who are exempt from Illinois Use Tax and add the requirement that all exempt purchasers, on and after July 1, 1987, must have an active exemption identification number issued by the Department of Revenue before they may make tax-free purchases of tangible personal property.

The amendments to Sections 150.1401 and 150.1405 are proposed to authorize the Department or the taxpayer to use credit memoranda issued for overpayments under the Use Tax Act to offset liability under the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.

The amendment to Section 150.1415 is proposed to codify the statutory interest rate paid on credit memoranda.

6) Will this proposed rule replace an emergency rule currently in effect:
 No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: These amendments will not require local governments to modify activities to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
 Administrator
 Illinois Department of Revenue
 Legal Services Bureau
 101 West Jefferson
 Springfield, Illinois 62708
 Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 25, 1989

B) Types of small businesses affected: Retailers and those who have made overpayments under the Use Tax Act.

C) Reporting, bookkeeping or other procedures required for compliance: Retain active exemption identification numbers with books and records.

D) Types of professional skills necessary for compliance: No new requirements are imposed.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX REGULATIONS

SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How to Compute Depreciation
150.110	How to Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, and Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	Collection of the Tax by Retailers From Users
150.401	Tax Collection Brackets for a 2% Rate of Tax (Repealed)
150.405	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.410	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.450	

DEPARTMENT OF REVENUE

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150.455	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

Section	Requirements
150.601	

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	When and Where to File a Return
150.701	Use Tax on Items that are Titled or Registered in Illinois
150.705	Procedure in Claiming Exemption from Use Tax
150.710	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.715	Display Certificates for House Trailers
150.716	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.720	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.725	Direct Reporting of Use Tax to Department by Registered Retailers
150.730	

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	When Out-of-State Retailers Must Register and Collect Use Tax
150.801	Voluntary Registration by Certain Out-of-State Retailers
150.805	Incorporation by Reference
150.810	

SUBPART H: RETAILERS' RETURNS

Section	When and Where to File
150.901	Deduction for Collecting Tax
150.905	Incorporation by Reference
150.910	Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois
150.915	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit--Limitations--Procedures
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.) and authorized by Section 39b28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b28).

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at ____ Ill. Reg. _____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 150.325 Charitable, Religious, and Educational and Senior Citizens Recreational Organizations as Buyers

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a) The tax shall not apply to any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes, nor to any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older, when using tangible personal property purchased at retail.

b) On and after July 1, 1987, none of the entities noted in subsection a) hereinabove shall be entitled to make tax-free purchases at retail unless such entities have an active exemption identification number issued by the Department.

(Source: Amended at ____ Ill. Reg. _____, effective ____.)

Section 150.330 Governmental Bodies as Buyers

a) The Use Tax does not apply to purchases by governmental bodies. Effective March 17, 1965, purchases by State-chartered banks and by Federal and State savings and loan associations for use are subject to the Use Tax. Effective February 1, 1970, purchases by national banks for use are also subject to Use Tax, provided that such tax does not apply to property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

b) On and after July 1, 1987, no governmental bodies who would otherwise be able to make tax-free purchases at retail may make tax-free purchases at retail unless such governmental bodies have an active exemption identification number issued by the Department.

(Source: Amended at ____ Ill. Reg. _____, effective ____.)

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 150.1401 Claims for Credit--Limitations--Procedures

a) When Purchasers May File Claims

If it shall appear that an amount of tax or penalty or interest has been paid in error under the Use Tax Act to the Department by a purchaser, as distinguished from the retailer, whether such amount be paid through a mistake of fact or an error of law, such purchaser may file a claim for credit with the Department.

b) When Retailers May File Claims--Unjust Enrichment Prohibited

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- 1) If it shall appear that an amount of tax or penalty or interest has been paid in error to the Department under the Use Tax Act by a retailer who is required or authorized to collect and remit the Use Tax, whether such amount be paid through a mistake of fact or an error of law, such retailer may file a claim for credit with the Department, provided that no credit shall be allowed for any amount paid by any such retailer unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else (as in the case of a duplicated tax payment which the retailer made to the Department and did not collect from anyone else), or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his vendee:

- A) who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever;
- B) who, if he has shifted such burden, has repaid unconditionally such amount to his own vendee, and
- C) who is not entitled to receive any reimbursement therefor from any other source than from his vendor, nor to be relieved of such burden in any other manner whatsoever.

- 2) If it shall appear that an amount of tax has been paid in error under the Use Tax Act by the purchaser to a retailer, who retained such tax as reimbursement for his tax liability on the same sale under the Retailers' Occupation Tax Act, and who remitted the amount involved to the Department under the Retailers' Occupation Tax Act, whether such amount be paid through a mistake of fact or an error of law, the procedure for recovering such tax shall be that prescribed in Sections 6, 6a, 6b and 6c of the Retailers' Occupation Tax Act.

c) Time Limit On the Filing Of Claims

As to any claim for credit filed with the Department on and after January 1 but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Use Tax Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Use Tax Act) more than 3 years prior to such July 1 shall be credited. No claim shall be allowed for any amount paid to the Department, whether paid voluntarily or involuntarily, if paid in total or partial

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liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court.

d) Procedure For Filing Of Claims

- 1) Claims for credit shall be prepared and filed upon forms provided by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.
- 2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department.
- 3) Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department.
- 4) Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence of the date when such claim was received by the Department.
- 5) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 19 of the Act.)

e) Procedure After Filing Of Claims

- 1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such

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legal representative, of if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

- 2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer.
- 3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 20 days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a Final Determination. (See Section 20 of the Act.)

f) Use of Credit Memoranda to Satisfy Prior Rights of Department

- 1) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability under the Use Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act, the MUNICIPAL RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-1), THE MUNICIPAL USE TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-6), THE MUNICIPAL SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-5), THE COUNTY RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.1), THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.1a), THE COUNTY SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.2), THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a), THE COUNTY USE TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.10), THE COUNTY SUPPLEMENTARY USE TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a), SECTION 4 OF THE WATER COMMISSION ACT OF 1985 (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254), subsections (b), (c) and (d) OF SECTION 5.01 OF THE LOCAL

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MASS TRANSIT DISTRICT ACT (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 355.01), OR subsections (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 704.03), against the claimant, or unpaid penalty, or unpaid interest, the amount of the credit shall be credited against the tax or penalty or interest due. If the credit is in an amount less than that of the unpaid liability, it shall be applied pro tanto.

- 2) If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Use Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act, THE MUNICIPAL RETAILERS' OCCUPATION TAX ACT, THE MUNICIPAL USE TAX ACT, THE MUNICIPAL SERVICE OCCUPATION TAX ACT, THE COUNTY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SERVICE OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT, THE COUNTY USE TAX ACT, THE COUNTY SUPPLEMENTARY USE TAX ACT, SECTION 4 OF THE WATER COMMISSION ACT OF 1985, subsections (b), (c) and (d) OF SECTION 5.01 OF THE LOCAL MASS TRANSIT DISTRICT ACT, OR subsections (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT.

- 3) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 150.1405 Disposition of Credit Memoranda by Holders Thereof

- a) Assignment of Credit Memoranda

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1) Credit memoranda issued hereunder may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

A) that the assignment is made to a person who is subject to the Use Tax Act, or to the Retailers' Occupation Tax Act, or to the Service Occupation Tax Act, or to the Service Use Tax Act;

B) that there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount against him either under the Use Tax Act, or under the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act against him, THE MUNICIPAL RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-1), THE MUNICIPAL USE TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-6), THE MUNICIPAL SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-5), THE COUNTY RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.1), THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.1a), THE COUNTY SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.2), THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a), THE COUNTY USE TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.10), THE COUNTY SUPPLEMENTARY USE TAX ACT (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a), SECTION 4 OF THE WATER COMMISSION ACT OF 1985 (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254), subsections (b), (c) AND (d) OF SECTION 5.01 OF THE LOCAL MASS TRANSIT DISTRICT ACT (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 355.01), OR SUBSECTIONS (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 704.03), and

C) that there is no established Use-Tax-or-Retailers'-Occupation-Tax-or-Service-Occupation-Tax-or-Service-Use-Tax assessment-or-admitted-Use-Tax-or-Retailers'-Occupation-Tax-or-Service-Occupation-Tax-or-Service-Use-Tax liability-unpaid-by-the-assignor-or-unpaid-Use-Tax-or-Retailers'-Occupation-Tax-or-Service-Occupation-Tax-or-Service-Use-Tax penalty-or-unpaid-interest assessment or admitted liability or interest or penalty unpaid by the assignor, either under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, THE MUNICIPAL RETAILERS' OCCUPATION

DEPARTMENT OF REVENUE

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TAX ACT, THE MUNICIPAL USE TAX ACT, THE MUNICIPAL SERVICE OCCUPATION TAX ACT, THE COUNTY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SERVICE OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT, THE COUNTY USE TAX ACT, THE COUNTY SUPPLEMENTARY USE TAX ACT, SECTION 4 OF THE WATER COMMISSION ACT OF 1985, subsections (b), (c) AND (d) OF SECTION 5.01 OF THE LOCAL MASS TRANSIT DISTRICT ACT, OR SUBSECTIONS (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT: Provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid interest, of the claimant-assignor, notice to this effect shall be given the claimant-assignor by the Department.

2) If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect.

3) If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest due from the claimant-assignor, and if there are no pending proceedings as herein outlined against the claimant-assignor, and if the contemplated assignee is a person who is subject to the Use Tax Act, or the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act, the request for leave to assign shall be approved.

4) The original credit memorandum shall be canceled, and a new credit memorandum shall be issued to the assignee in the amount shown on the canceled memorandum.

5) However, before a credit memorandum is issued to the assignee, the amount of such credit shall be applied, to the extent that may be necessary, in liquidation of any established or admitted unpaid liability due from the assignee under the Use Tax Act, or Retailers' Occupation Tax Act, or Service Occupation Tax Act, or Service Use Tax Act, assessment which has been issued to such assignee-or-in-liquidation-of-any-unpaid-Use-Tax-or-Retailers'-Occupation-Tax-or-Service-Occupation-Tax-or-Service-Use-Tax penalty-or-interest due from the assignee-or-in-liquidation-of-any-unpaid-admitted-Use-Tax-or-Retailers'-Occupation-Tax-or-Service-Occupation-Tax-or-Service-Use-Tax

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liability of the assignee THE MUNICIPAL RETAILERS' OCCUPATION TAX ACT, THE MUNICIPAL USE TAX ACT, THE MUNICIPAL SERVICE OCCUPATION TAX ACT, THE COUNTY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SERVICE OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT, THE COUNTY USE TAX ACT, THE COUNTY SUPPLEMENTARY USE TAX ACT, SECTION 4 OF THE WATER COMMISSION ACT OF 1985, subsections (b), (c) AND (d) OF SECTION 5.01 OF THE LOCAL MASS TRANSIT DISTRICT ACT, OR subsections (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT, and a credit memorandum for the balance of the credit, if any, shall then be issued to the assignee: Provided that there is no proceeding pending against the assignee to establish an unpaid liability against him either under the Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act, or any of said Acts.

- 6) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final under the Act, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the assignor for transmittal to the assignee.

b) Submission of Credit Memoranda With Tax Returns

- 1) Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with Use Tax returns, in payment of any tax liability or penalty or interest due under the Use Tax Act, or the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act, THE MUNICIPAL RETAILERS' OCCUPATION TAX ACT, THE MUNICIPAL USE TAX ACT, THE MUNICIPAL SERVICE OCCUPATION TAX ACT, THE COUNTY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX ACT, THE COUNTY SERVICE OCCUPATION TAX ACT, THE COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX ACT, THE COUNTY USE TAX ACT, THE COUNTY SUPPLEMENTARY USE TAX ACT, SECTION 4 OF THE WATER COMMISSION ACT OF 1985, subsections (b), (c) AND (d) OF SECTION 5.01 OF THE LOCAL MASS TRANSIT DISTRICT ACT, OR subsections (e), (f) AND (g) OF SECTION 4.03 OF THE REGIONAL TRANSPORTATION AUTHORITY ACT, liability incurred by the holder of such credit

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memoranda. ~~The holder of the credit memorandum may also use it to pay any penalty or interest that may be due from him to the Department under the Use Tax Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act.~~

- 2) If, after applying any such credit memorandum against the amount of liability shown to be due by the tax return with which the credit memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to such taxpayer a new credit memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted.
- 3) However, any new credit memorandum, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see Section 150.1401(d) of this Part) or when leave to assign a credit memorandum is requested (see Section 150.1405(a) of this Part).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 150.1415 Interest

- a) Any credit or refund that is allowed under the Act shall bear interest at the rate of ~~1/2 of 1%~~ 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. ~~However, no interest will be paid for any period of time prior to April 17, 1963.~~
- b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.
- c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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1) Heading of Part: Procedures and Standards2) Code Citation: 92 Ill. Adm. Code 1001

<u>Section Number</u>	<u>Proposed Action</u>
1001.30	Amendment
1001.50	Amendment
1001.60	Amendment
1001.70	Amendment
1001.100	Amendment
1001.110	Amendment
1001.210	Amendment
1001.220	Amendment
1001.230	Amendment
1001.240	Amendment
1001.250	Amendment
1001.260	Amendment
1001.300	Amendment
1001.320	Amendment
1001.330	Amendment
1001.340	Amendment
1001.360	Amendment
1001.400	Amendment
1001.410	Amendment
1001.420	Amendment
1001.430	Amendment
1001.440	Amendment
1001.450	Amendment
1001.460	Amendment
1001.470	Amendment
1001.480	Amendment

4) Statutory Authority: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)(3) and authorized by Sections 2-103 and 2-104 of Chapter 95 1/2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 6-205(c), and 6-206(c)(3)). Subpart D authorized by 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)(3) and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)(3) and 6-208).

5) A Complete Description of the Subjects and Issues Involved:

Subjects and issues involved includes: minor procedural clarifications for formal hearings, appearances by law students licensed under Supreme Court Rule 711 will be allowed, procedural changes for safety responsibility hearings, a new region for informal driver license hearings, and alignment with rules filed by the Department of Alcoholism and Substance Abuse in 1988 concerning alcohol evaluations and treatment programs.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Philip S. Howe
Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

12) Initial Regulatory Flexibility Analysis:

A) Date rules was submitted to the Small Business Assistance Office of the Department of Commerce and Community Affairs:

These rule amendments do not affect small businesses. They pertain to individual applicants seeking driving licenses or permits.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

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- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments is as follows:

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001

PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Records and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

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**SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE**

- 1001.400 Applicability
- 1001.410 Definitions
- 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits
- 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation
- 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations, and Denials
- 1001.450 New Hearings
- 1001.460 Requests for Modification of Revocations and Suspensions
- 1001.470 Renewal, Correction and Cancellation of RDP's
- 1001.480 Unsatisfied Judgements Suspensions
- 1001.490 Invalidity

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95½ of the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95½, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3). Subpart D authorized by Section 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95½, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208).

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at ____ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes Statutory language.

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section 1001.30 Right to Counsel

- a) Any party may appear and be heard through an attorney at law licensed to practice in the State of Illinois; and any law student licensed under Supreme Court Rule 711.

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- 1) Attorneys admitted to practice in states other than the State of Illinois may appear and be heard by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance.
- 2) A natural person may appear and be heard on his or her own behalf.
- 3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.
- b) Only an attorney properly licensed or any law student licensed under Supreme Court Rule 711 shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge.
- 4) The standards of conduct shall be the same as before the Courts of the State of Illinois.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 1001.50 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by an attorney for the limited purpose of objecting to jurisdiction. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the Hearing Officer may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issues of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the movant does not preclude the making of any motion or defense which might otherwise have been made. If the Hearing Officer sustains the objection, an appropriate ruling shall be entered of record. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 1001.60 Substitution of Parties

A Hearing Officer shall, upon motion, when proper in cases in which a party has died, resigned, been moved or otherwise succeeded to the interest of a previously named party rule on a request for the substitution of parties.

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(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1001.70 Commencement of Actions; Notice of Hearing

- a) A contested case is commenced by the Office, either after the written request of the Applicant or on the Office's initiative, by service of a Notice of Hearing in accordance with Section 2-114, within the time limitation contained in Sections 2-118(a) and (b) and 3-402(B)(7)(a) and (b) as applicable (Ill. Rev. Stat. 1985 1987, ch. 95 1/2, pars. 1-100 et seq.) (the Code) upon the Respondent.
- b) The Notice of Hearing shall include:
 - 1) The names and addresses of all known parties, Petitioner and Respondent, including the department initiating said hearing;
 - 2) Whether the hearing is at the request of the Petitioner or Applicant;
 - 3) The time, date and place of hearing;

4)---The name of the Hearing Officer;

- 54) A short and concise statement of facts, (as distinguished from conclusions of law or a mere recitation in the words of the statute) alleging the act or acts done by each Petitioner or, where appropriate, Respondent; the time, date and place each such act was done or a short and concise statement of the matters asserted; and the rule, statute, or constitutional provision, if any, alleged to have been violated or otherwise involved in the proceeding; and the relief sought by the petitioning party;

65) A concise statement to each party that:

- A) Such party may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate in the hearing.
- B) Failure to so appear shall constitute a default, unless such party has, upon due notice to other parties, moved for and obtained a continuance from the Hearing Officer.
- C) Delivery of notice to the designated representative of a party constitutes service upon said party.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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Section 1001.100 Conduct of Formal Hearings

- a) All hearings conducted in any proceeding shall be open to the public. Pursuant to statute, Formal Hearings shall be conducted in Springfield, Chicago, Hillside or Mt. Vernon, except that Petitioners who have permanently relocated outside of the State of Illinois and Petitioners who are still residents but are outside the State of Illinois for 30 days or more due to employment reasons (e.g. military service) may make written application in lieu of returning to Illinois for a Formal Hearing. provided he/she Such application shall be deemed to waive their his/her right to appearance, waives their right to representation; and Out of state applicants must submit at a minimum all documentation and information required by Subpart D herein, and as well as a sworn, out-of-state Petitioner's affidavit, which provides the information otherwise required by the Illinois Secretary of State (the Secretary) at a Formal Hearing. However, Out-of-state Petitioners who reside within 30 miles of the Illinois border shall be required to attend a Hearing in person, unless the Petitioner shows good cause for not being able to attend in person. Good cause is shown when it is demonstrated through a written statement that the Petitioner is prohibited by cannot attend a Formal Hearing in person due to economic, physical, or mental restraints from attending medical reasons. Mere inconvenience does not constitute good cause.
- b) Every hearing shall be presided over by a Hearing Officer duly appointed by the Secretary. The Secretary shall also appoint a representative to appear and participate in said hearing on his/her behalf. Prior to the taking of evidence, the Petitioner/Respondent may request disqualification of the Hearing Officer by making a motion on the record for same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the Petitioner/Respondent by the Hearing Officer. The Hearing Officer will rule upon the motion. If the motion is denied, the hearing will proceed, or the Petitioner may withdraw from the hearing. If the motion is granted, the case shall be transferred to another Hearing Officer for a same-day hearing on the same day if possible. If it is not possible to schedule a hearing on the same day, a new hearing date will shall be established scheduled and a new Hearing Officer shall be assigned by the Secretary. The Hearing Officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.
- c) The technical rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent people in the conduct of their affairs.

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regardless of the existence of any common law or statutory exclusionary rule which might make improper the admission of such evidence over objections in civil or criminal actions shall not be a bar to the admissibility of otherwise relevant evidence. The rules of privilege shall be followed to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant, and immaterial and or unduly repetitious evidence shall be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the Hearing Officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

d) Official Notice may be taken of past hearings and any matter of which the Circuit Courts of Illinois may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the Hearing Officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

e) Upon written request, made, at least ten (10) business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, or furnish written answers to a written demand for a bill or particulars.

f) Any party or his representative shall have the right, upon written motion made at least ten (10) business days prior to the hearing, to inspect any relevant documents in the possession of or under the control of any other party and to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Interviews of persons and inspection of documents shall be at times and places reasonable for the persons and for the custodian of the document.

g) Oral evidence shall be taken only on oath or affirmation.

h) Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.

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i) Each party shall have the right to request the subpoena of and to call and to examine witnesses; to introduce exhibits and to cross-examine witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination. Applications to the Hearing Officer assigned to the case for subpoenas duces tecum shall specify the books, papers, and documents desired to be produced.

j) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

k) Upon the opening of the hearing, the Hearing Officer shall allow the parties to make opening statements. Opening statements may not be made at any other time, except in the discretion of the Hearing Officer. Upon the closing of the hearing each party may make a closing statement orally and/or by written brief at the discretion of the Hearing Officer, incorporating arguments of fact and law. A written brief may be required when the facts and issues are deemed complicated by the Hearing Officer, and there is a need for the parties to plead their cases in writing for the record.

l) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The A party calling for the examination is not bound thereby, but may rebut the testimony thus given and may impeach the witness by proof of prior inconsistent statements. If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.

m) Each party shall have the right to rebut the evidence against him; to appear in person; to be represented by counsel. If a party does not testify in his own behalf, he may be called by the Secretary of State's representative and examined as if under cross-examination.

n) Upon order of the Hearing Officer, for good cause shown, and upon reasonable notice to other parties, any party, including the Department, may cause at his or its expense a deposition of any witness to be taken for use as evidence in a contested case (for example, when the witness is not available due to distance, time, cost to the party using the testimony, sickness, infirmity, imprisonment, the

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witness being out of state or similar factors). The deposition shall be taken in the manner provided by law for evidence depositions in civil actions in the Circuit Courts of Illinois. Any party may direct written interrogatories to any other party. Interrogatories must be restricted to the subject matter of the case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party. Written interrogatories shall be served on the opposing party no later than fifteen (15) business days before the hearing. Objection to answers or refusals to answer shall be heard on motion at the hearing before the Hearing Officer who shall rule on the objection or refusal. Answers shall be sworn. If an answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatories were served, it shall be a sufficient answer to specify the documents and make them available to the inquiring party to inspect and copy at the asking party's expense.

o) At the request of any party or upon his own motion, the Hearing Officer may call a prehearing conference. At the conference, the parties, or their representatives shall appear as the Hearing Officer directs. to consider: Matters which may be considered at a prehearing conference include, but are not limited to:

- 1) The simplification of the issues;
- 2) Amendments to the grounds for action;
- 3) The possibility of obtaining admissions and stipulations of fact and of documents which will avoid unnecessary proof;
- 4) The limitation of the number of expert witnesses;
- 5) Any other matters which may aid in the disposition of the contested case.

p) Upon the conclusion of a prehearing conference, the Hearing Officer shall enter an order which recites any action taken, any agreements made by the parties as to any of the matters considered, and the issue to be heard.

q) The burden of proof is upon the Applicant for any relief in a hearing. The standard of proof is the preponderance of the evidence unless otherwise provided for in Subpart D.

r) All exhibits for any party shall be clearly marked for identification and as admitted into evidence by the Hearing Officer.

s) Report of Proceedings.

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1) The Department shall, at its expense, have present at each hearing, an electronic recording device or a qualified court reporter, for the purpose of making a permanent and complete report of the proceedings, to-wit: evidence admitted or tendered and not admitted, testimony, offer of proof, objections, remarks of Hearing Officer and of parties and/or their representatives, all rulings of Hearing Officers.

2) Upon request and at his own expense any party may have a copy of said report of proceedings, from said court reporter, or transcribed from the electronic device by the Department at the statutory rate as set forth in Section 10 of "AN ACT concerning fee and salaries, and classify the several counties of the state with reference thereto" (Ill. Rev. Stat. 1991-2101985 1987, ch. 53, par. 24) and 2 Ill. Adm. Code 551.150, or the cost of an audio tape plus mailing.

t) A request for to continuance-of or withdraw a hearing request is directed to the sound discretion of the Hearing Officer to whom the case has been assigned for hearing. Such Either request may be granted, for good cause shown, provided the request is received by the Department not less than five (5) days prior to the hearing date unless good cause is shown within the five days or during the hearing due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party, or similar reasons. Such request prior to the Hearing shall be in writing and shall set forth the grounds alleged therefore. "Good cause" is shown when a Petitioner or Respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces, serious illness, family death, or act of God, relating to either party or that party's attorney. No request by any attorney on behalf of a Petitioner/Respondent will be considered unless the attorney shall have filed a written notice of appearance as provided in Section 1001.40.

u) No Formal Hearing shall be continued "generally". A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior hearing date at which time the hearing shall reconvene. Repeated continuances will not be granted. If the Petitioner is not prepared to go forward after the first continuance a request to withdraw should be submitted.

v) The Secretary will provide an interpreter for hearing impaired Petitioners/Respondents who wish to testify; providing a language interpreter, however, is the responsibility of the Petitioner/Respondent.

w) The party requesting the hearing may withdraw the request withdrawal

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from the hearing at any time up to the conclusion of the taking of evidence. A request to withdraw from a hearing which in the Hearing Officer's judgment is based upon surprise of evidence presented or adverse evidence shall not be granted. Upon withdrawal, the requested relief will not be considered and the case dismissed. Should the party request another hearing, it must be done in writing and it will be treated as any other request for hearing. (See Section 1001.70).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.110 Orders

- a) The Department shall prepare a written order for all final determinations, which shall include the Findings of Fact, Conclusions of Law, Recommendations of the Hearing Officer, and the Order of the Secretary.
- b) The Hearing Officer shall prepare the Findings of Fact, Conclusions of Law, and Recommendations to the Secretary. The Findings of Fact and Conclusions of Law must be stated separately.
- c) The Order of the Secretary of State shall be the decision of the Office upon the application for relief.
- d) The Department shall notify all parties and their agents personally or by mail of the Findings of Fact, Conclusions of Law, Recommendations, and the Order within the statutory time limit but in no case more than 180 days of the date of the hearing's conclusion.
- e) An Order of Default shall be entered against the a Petitioner or Respondent, as the case may be, where the Petitioner or Respondent who fails to appear for the a hearing at the scheduled time and has failed to request or been granted a continuance in accordance with Section 1001.100(t) and (u).
- f) Orders resulting from Formal Hearings are final administrative orders within the meaning of the Administrative Review Law.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section 1001.210 Definitions

"Administrative Hearing" means a proceeding in which the legal rights, duties, and privileges of a Petitioner are determined by the Secretary as required by the Safety Responsibility Law.

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"Code" means the Illinois Vehicle Code, (Ill. Rev. Stat. 1985 1987, ch. 95½, pars 1-100 et seq. as amended).

"Department" means the Department of Transportation, State of Illinois.

"Hearing Officer" means the person appointed by the Secretary to conduct an administrative hearing held pursuant to these regulations.

"Interested Party" means an insured person, claimant, or parties suffering property damages and/or personal injuries who is not the Petitioner.

"Party" means each person specifically named as a party to the administrative hearing, or admitted as a person interested in the subject matter of the administrative hearing held pursuant to these regulations, not including interested party.

"Person" means every natural person, firm, co-partnership, association, or corporation.

"Petitioner" means any person who could be or is being afforded a hearing pursuant to these regulations and who is the only party as defined in Paragraphs 7-201 and 7-202 of the Code, as being subject to the Illinois Safety Responsibility Law.

"Secretary" means the Secretary of State, State of Illinois, through the Department of Administrative Hearings.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.220 Hearings: Notice; Location; Procedures; Record

- a) Subsequent to certification of an uninsured motorist by the Department of Transportation as provided by statute, and upon a preliminary finding that a REASONABLE POSSIBILITY OF A CIVIL JUDGEMENT exists, the Secretary shall institute a Notice of Suspension which advises the Petitioner of his/her right to a hearing in lieu of a deposit of security. Upon receipt of the Any Petitioner's timely by submitting a written request; within 15 days of the mailing date of the Notice of Suspension, will be afforded a full, fair and impartial hearing shall be afforded for the purpose of to contest the preliminary finding of the Secretary. determining whether the Petitioner's driving privileges; driver's license; or registration should be suspended or an order of exoneration entered. Hearing requests received after the prescribed time will be granted; however, the suspension will not be stayed or removed pending the

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hearing.

- b) The hearing afforded Petitioner shall determine The decision resulting from the hearing shall be based upon the following factors: whether said Petitioner, as a motor vehicle owner or operator, has been involved or whose vehicle has been involved in a motor vehicle accident occurring within the State of Illinois and which has resulted in bodily injury or death of any person or in which damage to the property of any one person exceeds the amount provided by statute; and, further, whether Petitioner is exempt from the Safety Responsibility Law; and whether there exists a reasonable possibility of a civil judgment against the Petitioner. The Petitioner shall bear the burden of proof throughout the proceedings. The standard of proof shall be a preponderance of the evidence.
- c) The hearing shall be initiated by the issuance of a Notice of Hearing by the Secretary. Said notice shall be served upon the Petitioner, as the party against whom action may be taken by the Secretary, any interested party, and any attorney of record.
- d) The Notice of Hearing shall be a written statement setting forth, but not limited to the following information; to wit:
- 1) The name of the Petitioner;
 - 2) The name and address of any claimants or injured parties;
 - 3) The date, time, place, and nature of the hearing;
 - 4) The matters to be addressed at the hearing;
 - 5) The name of the Hearing Officer;
 - 6) The specific sections of the Statutes involved; and
 - 7) The statutory authority pursuant to which the hearing is being conducted.
 - 8) Advise the Petitioner that a failure to appear will result in the denial of any relief requested and that at any rehearing granted under Section 1001.260 the Petitioner will be deemed to have waived the right to subpoena, or cross-examine witnesses that testified at the original hearing.
- e) Hearings shall be conducted in the Counties of Cook, DeKalb, Will, Rock Island, Tazewell, Adams, Sangamon, Champaign, Coles, Kane, Marion, St. Clair, Jackson, and in such other locations as the Secretary shall from time to time designate. If the Secretary

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determines to abandon or change the location of the hearing outside the counties where any one of the thirteen (13) original hearings locations are situated, which are located in the counties listed in the previous sentence, the Secretary shall publish in a local newspaper of general circulation in each county served by such office, twenty days prior notice thereof. The notice shall indicate the reasons for such determination and shall identify the new location proposed to serve each county, if known at the time of publication.

- f) Every hearing shall be presided over by a Hearing Officer duly appointed by the Secretary. The Secretary shall also appoint a representative to appear and participate in his behalf. Prior to the taking of evidence, a Petitioner may request the disqualification of the Hearing Officer by making a motion for same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the Petitioner by the Hearing Officer. The Hearing Officer will rule upon the motion and the motion shall be granted if the Hearing Officer previously heard the case, or is personally acquainted with the parties. If the motion is denied, the hearing will proceed. If the motion is granted, the case shall be transferred to another Hearing Officer for a same day hearing if possible. If not possible, a new hearing date will be established and a new Hearing Officer shall be assigned by the Secretary. The Hearing Officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.
- g) Each party to the hearing shall have the following rights:
- 1) The right to the issuance of subpoenas upon a ten (10) business day written request directed to the Hearing Officer;
 - 2) The right to call and examine witnesses;
 - 3) The right to cross-examine witnesses on any matter relevant to the issues, even though the matter was not covered on direct examination;
 - 4) The right to introduce exhibits; and
 - 5) The right to obtain in advance, upon a ten-(10)-business-day written request, copies of all related police reports not designated confidential by State Law. Such requests must be submitted at least 10 business days prior to the hearing date to be considered. The parties may request copies of the related police reports at the hearing if the need for such

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copies could not be foreseen before the hearing, or the need for them arose because of issues or allegations adduced at the hearing.

- h) The Petitioner shall have the right to appear in person and be heard through an attorney at law licensed to practice in the State of Illinois; or any law student licensed under Supreme Court Rule 711. If the Petitioner does not testify on his own behalf, he may be called by the representative of the Secretary and examined as if under cross-examination.

- 1) Attorneys admitted to practice in states other than the State of Illinois may appear by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admittance.

- 2) A natural person may appear and be heard in his own behalf.

- 3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.

- 4) Only an attorney mentioned above, properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

- 1) The proceedings shall be recorded by a suitable electronic method; ~~unless the~~ Petitioner may furnish~~es~~, at his own expense, a certified shorthand reporter. All records taken pursuant hereto shall be properly cataloged and preserved by the Secretary for a period of at least forty-five (45) days from the entry of the Hearing Officer's order. Oral proceedings, or any part thereof, shall be transcribed upon request of the Petitioner, any party, or their counsel at said requesting party's personal expense as specified in 2 Ill. Adm. Code 551.150, or the cost of an audio tape, plus mailing.

- j) The record of a hearing held pursuant hereto shall include, but not be limited to, the following, to wit:

- 1) The notices, pleadings, and responses thereto;
- 2) The motions and rulings thereon;
- 3) The matters officially noticed;

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- 4) The offers of proof made, objections thereon, and rulings thereon;

- 5) The opinions, recommendations, or reports by the Hearing Officer, Secretary, or Department; and

- 6) A transcript of the proceedings.

- k) The Secretary will provide an interpreter for hearing impaired Petitioners and Interested Parties who wish to testify; providing a language interpreter, however, is the responsibility of the Petitioner or Interested Parties.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 1001.230 Rules of Evidence

- a) The Hearing Officer shall conduct the hearing, and with respect thereto, shall have, but not be limited to, the following powers; to wit:

- 1) The authority to administer oaths;
- 2) The authority to examine witnesses;
- 3) The authority to issue subpoenas; and
- 4) The authority to rule upon the admissibility of evidence.

- b) The hearing need not be conducted according to strict rules of evidence. Any relevant evidence may be admitted in a hearing held pursuant hereto if it is of the type relied upon by reasonable, prudent persons in the conduct of their affairs, regardless of the existence of any common law or statutory rule which would render it inadmissible over objection in civil or criminal actions. The rules pertaining to privileged communications shall be recognized in these hearings to the same extent as they are recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the Hearing Officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

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c) The Secretary may offer into evidence, and same shall be received into evidence by the Hearing Officer, any accident report forms required by Sections 11-406 and 11-410 of the Code and reports in the Secretary's possession furnished by any law enforcement agency that may have investigated the accident. The person who made such report need not be present or testify at the hearing; however, if such person is present his testimony may be taken in corroboration or in lieu of the aforementioned reports. Accident reports can may be used in support of the preliminary finding of the Secretary to establish-a-prima-facie-case when used in conjunction with testimony or other evidence, or when the Petitioner refuses to testify.

d) In cases where the operator of a motor vehicle is not the owner, the establishment of ownership of the motor vehicle creates a rebuttable presumption that the vehicle was being operated by the agent of the owner. As such, the owner is liable for the negligence of the agent; -and-a-prima-facie-case-is-established- Agency may also be proven by other admissible evidence. The weight given the presumption and whether it is overcome, or whether agency is proven, are questions of fact for determination by the Hearing Officer. This presumption applies equally to private and commercial vehicles.

e) Upon proper motion, the Hearing Officer may grant Petitioner leave to submit additional relevant evidence. Leave must be granted for a time certain in no case to exceed 30 calendar days from the date of the hearing. Leave to submit additional evidence must be made a matter of record. Leave will not be granted to submit insurance letters or proof of compliance.

ef) The jurisdiction of the Safety Responsibility Hearing applies to accidents which occur anywhere in Illinois. (See Sections 7-201 and 11-201) of the Code).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.240 Scope of Hearings

a) The issues to be determined at the hearing are the following; to wit:

- 1) The identity of the driver(s) involved in the accident;
- 2) The identity of the owner(s) of the vehicle(s) involved in the accident;
- 3) The nature and extent of the the bodily injury or property damage sustained in the accident;

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4) The determination; -based-upon-the-evidence-presented;-as-to-whether-there-is-a-reasonable-possibility-of-either-of-the-following-situations-occurring,-to-wit-

A) A judgement being rendered against the Petitioner for liability resulting from bodily injury occasioned by the accident; or

B) A judgment being rendered against the Petitioner for liability in an amount in excess of the statutory minimum of \$250 resulting from property damage to the property of any one person occasioned by the accident.

5) Should it be so determined that either of these two factual situations exist, the preliminary finding of the Secretary shall stand. a-prima-facie-case-shall-be-deemed-established;-and-only-in-the-event-that-a-prima-facie-case;-as-defined-in-this-paragraph;-is-established;-shall-the-Petitioner-have-the-burden-to-rebut-or-overcome-said-prima-facie-case-

6) The existence of any other issue or element necessary to the establishment of a case, if same is contested by the Petitioner.

b) The law of negligence as determined by the Illinois Supreme Court and the Illinois General Assembly will apply in the decisions made from the hearings.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.250 Decisions and Orders

a) Upon the completion of the presentation of evidence, if-the-Secretary-established-a-prima-facie-case-which-the-Petitioner-was-unable-to-rebut-and-if-the-Petitioner-was-is-unable-to-present-a-preponderance-of-evidence-rebutting-the-preliminary-finding-of-the-Secretary-or-otherwise-on-any-other-contested-issue-exempting-said-the-Petitioner-from-the-purview-of-the-statute,-the-Hearing-Officer-shall-direct-that-an-Order-of-Suspension-be-entered.-However,-if-the-Secretary-is-unable-to-establish-or-sustain-after-the-Petitioner's-evidence-is-admitted-a-prima-facie-case;-or-rebut-the-Petitioner's-rebutts-by-a-preponderance-of-the-evidence-relating-to-another-contested-issue-the-preliminary-finding-of-the-Secretary-or-other-wise-established-that-the-Petitioner-is-exempting-said-Petitioner-from-the-purview-of-the-statute,-the-Hearing-Officer-shall-direct-that-an-Order-of-Exoneration-be-entered-and-further-direct-that-the-Petitioner-be-dismissed.

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- b) A copy of the Order entered pursuant to a hearing shall be served, as soon as practicable after entry of said Order, upon the Petitioner in the same manner as provided in Section 1001.220(c) above for the service of the Notice of Hearing.
- c) Decision on Petitioner's Refusal or Non-Appearance.

1) If the Petitioner fails to appear at the hearing, Petitioner will be held to be in default. However, an attorney, who has filed an appearance on behalf of the Petitioner, may appear and present motions, and the provisions at Section 1001.220(f) shall be followed. If the attorney, in such a case, requests a continuance which is denied, the matter shall proceed and an appropriate order entered.

2) If a Petitioner appears for a hearing and refuses to testify on the grounds that any answer of his/hers may tend to incriminate him/her, then the Hearing Officer shall take an adverse inference from the refusal to testify and shall consider the adverse inference in addition to other evidence in determining if a prima facie case has been made whether Petitioner should be suspended or exonerated. If the Petitioner appears and refuses to testify without asserting the right against self-incrimination, then the Hearing Officer shall enter any appropriate order as is required by the evidence and these rules.

d) Except for evidence depositions admissible under the law of the State of Illinois, oral testimony shall be given greater weight by the Hearing Officer than a written statements which is unsubstantiated by oral testimony may not prevail against oral testimony offered or other documentary evidence, on the same issue. In determining the weight to be accorded evidence the Hearing Officer shall take into account the demeanor and/or credibility of the proponent of the evidence. The certification from the Illinois Department of Transportation regarding the dollar amount of damages shall be given greater weight than oral testimony which is unsubstantiated by written corroboration, unless the witness is qualified as an expert in the field.

e) Continuances.

1) Any party may, for good cause, request a continuance of the hearing provided same is postmarked not less than ten (10) days prior to the hearing. Said request shall be in writing and shall set forth the grounds alleged therefore. Oral requests will not be considered, unless made at the hearing for good cause shown.

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- 2) If good cause is shown, the hearing will be rescheduled and all parties notified as required in this Rule.
- 3) Good cause is shown when it is demonstrated that a real and compelling need for additional time exists, such as, but not limited to, service in the armed forces, serious illness, family death, act of God, relating to any party or that party's attorney.
- 4) A request for a continuance to allow Petitioner time to submit proof of compliance shall not constitute good cause.
- 6) No case may be continued "generally". Cases must be set for hearing no more than 60 days from the date the motion for continuance is made.

f) Upon oral motion or written request of the Petitioner or Secretary, and for good cause shown, the Hearing Officer may stay the execution of any Administrative Order for a period not to exceed thirty (30) days.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.260 Rehearings

- a) A request by the Petitioner for a rehearing will be granted only if the Petitioner was-in-default failed to appear at on the date and at the time scheduled for the original Hearing and good cause is shown.
- b) Good cause is shown when it is demonstrated that a real and compelling reason existed at the time of the original hearing for failing to appear, such as, but not limited to, service in the armed forces, serious illness, family death, act of God, relating to any party or that party's attorney.
- c) Rehearing requests must be in writing and directed to the Administrator, Safety Responsibility Division, Room 207, Centennial Building, Springfield, Illinois 62756.

d) If the interested party appears and the Petitioner fails to appear (at the original hearing), said hearing will be held and the testimony of the interested party or any other witness present taken. The evidence admitted at the original hearing shall be admissible at the rehearing and the Petitioner shall be deemed to have waived the right of cross-examination of any witnesses at the original hearing.

(Source: Amended at Ill. Reg. _____, effective _____)

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SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section 1001.300 Applicability

This Subpart applies to Informal Hearings conducted by Driver License Hearing Officers in the Department of Administrative Hearings of the Office of the Secretary of State in various locations throughout Illinois. These Informal Hearings are limited to the consideration of and the making of recommendations on drivers license suspension and revocation matters and the recommendations may include any recommendation able to be made by a Formal Hearing, except that an Informal Hearing shall not consider petitions in cases involving: death; felony convictions; modification of suspensions or revocations; or multiple convictions pursuant to Section 11-501 of the Code; or multiple violations pursuant to Section 11-501.1 of the Code; and felony convictions other than those enumerated in Section 6-205(a)(3), 6-205(a)(7), and 6-206(a)(28). They are a lower level hearing than the Formal Hearings conducted pursuant to Subpart A of these Rules. There is no appeal from an Informal Hearing to a Formal Hearing because the Formal Hearing is an original proceeding conducted on the evidence.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1001.320 Right to Representation

Any Applicant may represent himself or herself in at an Informal Hearing, or may be represented by an attorney licensed to practice law in Illinois, or in another state who is specifically permitted by the Hearing Officer to represent an Applicant at the Informal Hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance or any law student licensed under Supreme Court Rule 711. An Applicant may be assisted by a non-lawyer if the Applicant is representing himself or herself.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1001.330 Records and Reports

a) The Hearing Officer will record all proceedings on a form prescribed and supplied by the Director. The form will include, but not be limited to, identification information about the Applicant, a narrative from the Applicant concerning his/her driving record and need for relief, the type of relief sought, the violations for which the Applicant was suspended or revoked, and the Hearing Officer's recommendation. The recommendations of the Hearing Officer shall be based upon the evidence, the driving record of the Applicant, the Illinois Vehicle Code, these rules, and any other relevant factor.

b) The Applicant may submit any relevant and probative documentary or

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testimonial evidence the Applicant wishes to have considered by the Hearing Officer and the Department.

c) The report and evidence from the Hearing Officer shall be considered a public record, and copies may be purchased for the statutory fee for copies of state records.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1001.340 Location of Hearings

a) There shall be at least one Hearing Officer in each region.

b) The headquarters of each region shall be in the facility located in that city, and a work location may also be established by the supervisor for one or more Hearing Officers within a region.

c) The regions and headquarters are:

- 1) Region 1, consisting of the counties of Jo Daviess, Stephenson, Winnebago, Boone, DeKalb, Lee, Ogle, Whiteside, and Carroll, with headquarters in Rockford.
- 2) Region 2, consisting of the counties of Whiteside, Rock Island, Henry, Mercer, Knox, Warren, and Henderson with headquarters in the City of Moline.
- 3) Region 3, consisting of the counties of Kendall, Will, Grundy, Kankakee, and Livingston, with headquarters in Joliet.
- 4) Region 4, consisting of the counties of Fulton, Stark, Peoria, Woodford, and Tazewell, with headquarters in the City of Peoria.
- 5) Region 5, consisting of the counties of Iroquois, Ford, Vermilion, Champaign, and Piatt, with headquarters in the City of Champaign.
- 6) Region 6, consisting of the counties of Mason, Logan, Cass, Menard, Morgan, Sangamon, Scott, Christian, Greene, Macoupin, and Montgomery, with headquarters in the Centennial Building, Springfield, Illinois.
- 7) Region 7, consisting of the counties of Hancock, McDonough, Schuyler, Adams, Brown, and Pike, with headquarters in Quincy.
- 8) Region 8, consisting of the counties of Douglas, Edgar, Moultrie, Coles, Clark, Cumberland, Shelby, Effingham, Jasper, and

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Crawford, with headquarters in Mattoon or Effingham.

- 9) Region 9, consisting of the counties of Fayette, Bond, Marion, Clay, Richland, Lawrence, Clinton, Washington, and Jefferson, Wayne, Edwards, Wabash, Hamilton, and White; with headquarters in Centralia or Mt. Vernon.
- 10) Region 10, consisting of the counties of Calhoun, Jersey, Madison, Randolph, St. Clair, and Monroe, with headquarters in East St. Louis.
- 11) Region 11, consisting of the counties of Perry, Franklin, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac, with headquarters in Carbondale or Marion.
- 12) Region 12, consisting of the counties of Kane and DuPage, with headquarters in Elgin.
- 13) Region 13, consisting of the county of Cook, with headquarters in the building where the Department is located in Cook County.
- 14) Region 14, consisting of the counties of McHenry and Lake, with headquarters in Libertyville.
- 15) Region 15, consisting of the counties of Bureau, LaSalle, Putnam, and Marshall, with headquarters in the City of LaSalle.
- 16) Region 16, consisting of the counties of DeWitt, Macon, and McLean, with headquarters in Beatty Bloomington.
- 17) Region 17, consisting of the counties of Wayne, Edwards, Wabash, Lawrence, Richland, Hamilton, and White, with headquarters in Lawrenceville.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1001.360 Decisions

- a) The decision at the Informal Hearing is not a final order and as such is not subject to administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1985 1987, ch. 110, pars. 3-101 et seq.) Only the orders resulting from a Formal Hearing are final administrative decisions within the meaning of the Administrative Review Law. Following an adverse decision at the Informal Hearing, the Applicant may petition for a Formal Hearing conducted pursuant to Subpart A of these Rules. Such a Formal Hearing shall constitute a de novo proceeding and is not an appeal of an adverse decision at

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the Informal Hearing.

- b) If a Petitioner has had an Informal Hearing pursuant to this subpart, another Informal Hearing shall not be granted until at least thirty (30) days have elapsed since the date of the last Informal Hearing.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.400 Applicability

This Subpart applies to the decision making process on applications for restricted driving permits by persons whose driving privileges have been suspended, or revoked, or denied; the reinstatement of revoked driving privileges; the granting of driving privileges after denial and the termination of cancellations. Each Applicant's case is unique and all of the evidence and the Applicant's entire driving record must be considered with these standards before a decision is made. The issuance of both forms of driving relief are discretionary with the Secretary of State upon the evidence presented as set forth in this Subpart D.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Alcohol and Drug Evaluation (Original)" means a typewritten report on a Petitioner's or Respondent's history of use and/or abuse of alcohol or other drugs; which conforms to standards for an evaluation established by the Illinois Department of Alcoholism and Substance Abuse (DASA); and includes: at a minimum; past and present alcohol/drug use patterns and their impact on significant life areas (e.g., marital, legal, social, emotional, vocational, physical, financial); periods of abstinence or sobriety; corroborative information; alcohol/drug use classification; recommended countermeasures; and the dated signature of the evaluator. (See 77 Ill. Adm. Code 2056.305)

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The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by the evaluator who did original evaluation.

"Alcohol and Drug Related Driver Remedial Program" means an education program to instruct Applicants concerning the effects of alcohol/drugs on the Applicant-as-a drivers of a motor vehicles.

"Applicant" or "Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"Clinical Impression" means a qualified professional's (See definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during an evaluation process, regarding the nature and extent of an individual's use of alcohol and/or other drugs.

"Countermeasure" means that activity recommended by a qualified professional based on his/her evaluation of a Petitioner's use/abuse of alcohol and/or other drugs which is designed to help prevent that Petitioner from experiencing future alcohol/drug related problems (e.g., remedial education, out-patient counseling, residential treatment, etc.).

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change an Applicant's driving problem as evidenced by

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the Applicant's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc. from individuals who have regular, frequent contacts with the Petitioner (e.g. spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol-and/or drugs for a specified period of time.

"DUI" means driving under the influence.

"Employ" or "Employed" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person qualified to conduct an alcohol and drug evaluation, which would include either a staff member of a DUI program licensed by the Illinois Department of Alcoholism and Substance Abuse DASA who satisfies that Department's qualifications, a physician, or a staff member of a hospital-based DUI program. (See 77 Ill. Adm. Code 2056.385). Evaluations may be performed by staff members of hospital based DUI programs where: the program is licensed by DASA to provide evaluations; the Petitioner has participated in and completed alcohol/drug treatment at the hospital; or where a previous evaluation by the program was submitted and accepted by the office of the Secretary of State. (See 77 Ill. Adm. Code 2056.1).

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means Informal Hearings and Formal Hearings.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Non-problematic Use (Minimal Risk)" means no impairment in family; social; emotional; vocational; physical or behavioral functioning-as-a-consequence-of-alcohol-or-other-drug-use. There is also an ability to stop or control use and an absence of serious withdrawal symptoms after stopping or reducing use. This pattern must be consistent over the past twelve months for an individual

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classified-at-this-level---Also-indicative-of-this-classification-is the-lack-of-prior-alcohol/drug-related-driving-dispositions; and/or a-blood-alcohol-concentration-(B-A-6:)-at-the-time-of-the-current DUI-arrest-of-less-than-.15; the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior convictions or court ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months. (See the-rules-promulgated-by-the-Department-of Alcohol-and-Substance-Abuse; 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Moderate Risk)" means impairment-in-one or-more-of-the-following-areas-as-a-consequence-of-alcohol-and/or drug-use--family--social--legal--emotional--vocational--physical--or behavioral-functioning--There-remains-the-ability-to-control-or stop-use-of-alcohol-and/or-drugs--as-well-as-the-absence-of-serious withdrawal-symptoms-after-stopping-or-reducing-use--The-disease/addiction-process-may-or-may-not-be-involved--but-an-individual classified-at-this-level-is-definitely-at-risk-to-experience-further problems-related-to-alcohol-and/or-other-drug-use--Also-indicative of--this-classification--is--the-existence-of-any--prior--alcohol/drug-related-driving-disposition-and/or-a-blood-alcohol-concentration-(B-A-6:)-at-the-time-of-the-most-recent-DUI-arrest-of-.15-or greater: the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior conviction(s) or court ordered supervision(s) for DUI and a blood alcohol concentration (BAC) at the time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months. (See the-rules-promulgated-by-the-Department-of-Alcohol-and-Substance-Abuse; 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has prior conviction(s) or court ordered supervision(s) for DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of alcohol or drug abuse. (See 77 Ill. Adm. Code 2056.310).

"Level III - Problematic Use Dependent (High Risk)" means impairment in-one-or-more-of-the-following-areas-as-a-consequence-of-alcohol and/or-drug-use--family--social--legal--emotional--vocational--physical--or-behavioral-functioning--There-is-an-inability-to control-or-stop-use-and-the-development-of-serious-withdrawal symptoms-after-stopping-or-reducing-use--An-individual-classified at-this-level-is-in-the-disease/addiction-process--Indicative-of this-classification-is-the-existence-of-more-than-one-prior-alcohol/drug-related-driving-disposition-within-the-last-five-years; or

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a-blood-alcohol-concentration-(B-A-6:)-at-the-time-of-the-most recent-arrest-of-.20-or-greater--Anyone-with-three-or-more-alcohol/drug-related-driving-dispositions-within-the-last-five-years-is by-definition-classified-as-level-III; the classification resulting from an alcohol and drug evaluation assigned to an Applicant with symptoms of alcohol and/or drug dependence. (See the-rules-promulgated-by-the-Department-of-Alcohol-and-Substance-Abuse; 77 Ill. Adm. Code 2056.310).

"Office" means the Office of the Secretary of State and not any particular department address, or location.

"Reinstatement" means the restoration of driving privileges entitling the Applicant to apply for a new drivers license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established lifestyle (e.g. spouse, other family member, employer, co-worker, clergy member, roommate).

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her lifestyle to help support his/her continued abstinence from alcohol and other drugs. Such a program may include, but is not limited to, self-help program participation; professional counseling; religious involvement; and support provided by engaging in free-time; recreational activities in social organizations or with friends-and-significant-others. This may include, but is not limited to participating in a self-help group (Alcoholics Anonymous,

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is to be performed and the nature of the service.

- b) A RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303, 6-201(a)5 as it relates to 6-103.4 and 11-501.1 of the Code. Applicants who are eligible to apply for a JDP will not be considered for a RDP.
- c) An Applicant must show prove by clear and convincing evidence that an undue hardship is currently being suffered currently by the Applicant as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the Applicant, or family and friends is not undue hardship. The Applicant should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how Applicant is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the Applicant's residence and his/her destination; and similar factors relating to employment and/or necessary medical care.

1) Appropriate limits will be established for necessary on-the-job driving for the days, hours, and mileage limits not to will not exceed those absolutely necessary for the accomplishment of the applicant's primary employment and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week unless the request for increased limits is substantially documented, such as the through an employer's verification of the Petitioner's work schedule.

2) A medical RDP may include attendance at no more than three self-help program meetings per week.

d) Factors which will be considered by the Department in determining the propriety of granting a Petitioner a RDP include, but are not limited to: The Applicant's age; whether the Applicant has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of Applicant in hearing; credibility of Applicant and witnesses in hearing; credibility and weight of Applicant's documentary evidence; Applicant's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action) and driving record while on such permits, driving history in another state if licensed previously; reports of probation and/or parole officers; and

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Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self-report. The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Undue Hardship" relating to employment means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code an extreme difficulty in regard to getting to or from an Applicant's place of employment or to operate on a route during employment, e.g. as delivery person, because of the suspension, revocation, or cancellation of the Applicant's driving privileges. It is more than mere inconvenience on the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" as it relates to necessary medical care means an extreme difficulty in regard to getting to and from a location where an Applicant or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where an Applicant receives self-help-group is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the Applicant's driving privileges are suspended or revoked.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

- a) An Applicant for an employment related RDP must be currently employed, or present a written verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. An applicant for a RDP for medical or treatment purposes must provide written verifiable documentation from the doctor, counselor or program involved. An Applicant for a RDP for community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service

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psychiatric reports where the evidence shows that Petitioner is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner. will all be considered in addition to any other relevant evidence in the hearing.

e) The effect of the issuance of an RDP upon public safety will be carefully considered before any RDP is granted, pursuant to Sections 6-205(c) and 6-206(c)3 of the Code.

f) No RDP will be issued while any ticket is pending against him/her in any court of this or any other state, unless the pending ticket citation or citations are also is the cause of the current an open summary suspension or suspensions.

g) If an Applicant's driving record is poor by having numerous violations or a few but serious violations; and if an RDP may be granted, the Applicant may be referred to a remedial or rehabilitative program; as permitted by Sections 6-205(c) and 6-206(c)3 of the Code: A Petitioner who is otherwise eligible for a RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants such measures. (See Sections 6-205(c) and 6-206(c)3 of the Code).

h) A Petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under 6-201(a)5 as it relates to 6-103.4, may be issued a RDP for a probationary or trial period, prior to full reinstatement of driving privileges or termination of cancellation in cases where the Petitioner has a poor driving record evidenced by many minor violations or a few serious violations or has been evaluated as Level II or Level III by an alcohol/drug evaluation.

i) A RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides, and he/she has a verified employment or medical related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.

j) A RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended or revoked in another jurisdiction until such time as that suspension or revocation ends.

k) No fees will be collected before a decision is made on an application.

l) The Director or a designee shall make the final decision, on each application, on behalf of the Secretary. Applicants will receive a

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copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

m) A Petitioner will be required to complete and submit an alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence indicates that alcohol or drug use may have been involved in a traffic violation, a traffic accident or any crime.

n) A Petitioner will be required to submit to a driver's license examination prior to the issuance of a RDP if no such test has been successfully completed in the proceeding twelve (12) months.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation

a) In all cases, a conviction in a court of law in Illinois or any other state is dispositive of the guilt of an Applicant of the offense which caused his/her revocation.

ab) If revocation was for a cause that has been removed, such as the reversal of a conviction upon which revocation was entered, the Applicant must demonstrate that fact by clear and convincing evidence.

bc) If an Applicant is eligible to apply for reinstatement; and an application for reinstatement is made, the following factors which will be considered by the Department in making a decision on the Application; to determining the propriety of reinstating an Applicant whose driving privileges have been revoked include but are not be limited to: The Applicant's age; whether the Applicant has been driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of Applicant in hearing; credibility of Applicant and witnesses in hearing; credibility and weight of Applicant's documentary evidence; Applicant's total driving record, including but not limited to reasons for violations, prior driving record, including but not limited to reasons for violations; prior driving record, including but not limited to reasons for violations; prior RDPs or JDPs permits issued (unless such permit was issued pursuant to the order of circuit or appellate court following an administrative review action) and driving record while on such any permits; driving history in another state if licensed previously; reports of probation and/or parole officers; any other relevant evidence in the hearing; and psychiatric reports where the evidence shows that Petitioner is suffering or has suffered from a psychiatric disorder

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which might effect his/her ability to operate a motor vehicle in a safe and responsible manner.

- d) A Petitioner will be required to complete and submit an alcohol drug evaluation as part of the Secretary's investigative process, where the evidence indicates that alcohol or drug use may have been involved in a traffic violation, a traffic accident or any crime.
- e) A Petitioner will be required to submit to a driver's license examination prior to the reinstatement of driving privileges if no such test has been successfully completed in the proceeding twelve (12) months.
- ef) In either case of Sections 1001.430(ab) or (bc), the public welfare and safety must not be endangered by the reinstatement of the Applicant's driving privileges. The Applicant, if restored to driving privileges, must operate a motor vehicle safely so as not to be a danger to himself or herself or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.
- dg) No A hearing for reinstatement will not be conducted at any time before the prescribed date of eligibility.
- eh) The Bdriving privileges of a Petitioner shall not be reinstated while any traffic offense is pending against him/her in any court.
- fi) The Director or a designee shall make the final decision, on each application, on behalf of the Secretary. If relief was sought at a Formal Hearing, Applicants will receive a copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations, and Denials

- a) In all any applications for reinstatement, a RDP's, or the terminations of an order of cancellations, or relief following the denial of an application for driving privileges, all Applicants must submit an alcohol or drug evaluation and, where required, evidence of successful completion of an alcohol or drug-related driver remedial course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress. Out-of-State Applicants who seek clearance relief from an Illinois suspension or revocation and who have been classified as Level I or II in an alcohol or drug evaluation must provide proof of a the

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successful completion of an licensed alcohol/drug remedial education course, from the State in which he/she resides.

- 1) An alcohol or drug evaluation submitted by a resident of Illinois must have been conducted by an individual or an agency licensed by the Illinois Department of Alcoholism and Substance Abuse DASA, a physician licensed to practice medicine and to provide evaluations, or a hospital based DUI program where an applicant has received substance abuse treatment or has previously submitted such an evaluation at a prior hearing. An alcohol or drug-related remedial course completed by an Illinois resident must have been provided by an individual or agency licensed by the Illinois Department of Alcoholism and Substance Abuse DASA; a physician licensed to practice medicine; or a hospital-based DUI program. Exceptions to these requirements will be allowed in the cases listed below. In such case, the evaluation and remedial course must be provided by an individual or agency accredited by the state in which the individual or agency operates. (See 77 Ill. Adm. Code 2056.5):
- A) If the Petitioner is currently and has been continuously employed outside the state of Illinois for a period of at least three (3) months;
- B) If the Petitioner received treatment for alcohol or drug abuse from a treatment program located outside the State of Illinois, which has been appropriately accredited by the state in which it operates;
- C) If the Petitioner is a member of the military and has been who at the time of application is stationed outside the State of Illinois;
- D) If the Petitioner is a student at a college, university or technical school located outside the State of Illinois.
- 2) The choice of these programs is within the discretion of the Applicant. The evidence submitted must be in writing typewritten, although the evaluator may testify at any hearing.
- 3) The Department may provide Applicants who inquire with a list of programs, from which the Applicant may choose an evaluator and remedial programs, but the Applicant is not limited to the use of persons or programs on this list.
- 4) The alcohol or drug evaluation as defined in Section 1001.410 must conform to the standards for an evaluation set by the Illinois Department of Alcoholism and Substance Abuse DASA.

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(See 77 Ill. Adm. Code 2056.305). The evaluation must be signed and dated by both Petitioner and evaluator. It must contain: -at a minimum; -a history of the Applicant's use of alcohol/drugs; -periods of abstinence; -alcohol/drug use classification; -corroborative information; -recommended countermeasures; -and the dated signature of the evaluator.

- 5) The alcohol or and drug-related driver remedial course program must, at a minimum, conform to the standards for alcohol/drug remedial education courses set by the Illinois Department of Alcoholism and Substance Abuse DASA. (See 77 Ill. Adm. Code 2056; Subpart D).

- 6) The alcohol or and drug evaluation must be current, which is defined as having been completed within six (6) months of the date of the hearing.

A) Updates of original evaluations shall be conducted only by the same program which conducted the original evaluation, unless the person's Applicant's records are case file is transferred to another program which prepares the update. If an update cannot be obtained from the original records, then a complete new another original evaluation must be submitted.

B) An updated evaluation shall contain, at a minimum, the following: a narrative description of alcohol/drug use and/or abuse covering the time since the last evaluation or update; any impairment of significant life areas since the last evaluation or update; Petitioner's most recent arrest-for-PUI-including; -at a minimum; -the time-and-place of the arrest; -the pattern of drinking prior to the arrest; -the reason-for-the-underlying-traffic-atop; Petitioner's perception of his impairment at the time of the stop; -and the results of any chemical tests, -if such results are known; -summary of the Petitioner's alcohol/drug-use history covering the period-of-time-from-the Applicant's last evaluation to the present; the evaluator's previous and current alcohol/drug-use classification of the Applicant; any further countermeasures currently recommended-to-the-Applicant current recommendation(s) and the rationale for the such recommendation(s); and an indication that Petitioner has or has not completed all prior recommendations. The updated evaluation must be corroborated from -at least two -(2) -of the following sources: by an interview with a family member of or significant other; -objective-test; -or-written-documentation. The information obtained must be summarized

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and the evaluator should indicate whether it corroborates the data provided by the Applicant. The updated evaluation must be type-written on a form provided by the Department, and verified by the evaluator. The program must meet the same standards as programs qualified to prepare original evaluations. (See 92 Ill. Adm. Code 1001.440(a)(1)).

- 7) The Hearing Officer shall require an alcohol/drug evaluation to be completed and submitted by the Applicant, as part of the Secretary's investigation process, where the evidence indicates that alcohol or other drugs may have been involved in any a traffic violation, traffic accident or any crime.

- 8) The Any alcohol or drug related remedial course required as a result of an evaluation must have been completed since on a date after the last most recent alcohol/drug related violation.

b) Before any driving relief will be granted, the Applicant must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that he/she has complied with all other standards as specified in this Subpart D. If the evidence establishes that the Applicant has had an alcohol/drug problem, the Applicant must also prove that said problem has been resolved.

- 1) Applicants whose use of alcohol/drugs has been classified as Non-Problematic (Level I) must document successful completion of an 10 hour alcohol/drug remedial education course; by submission of a document which reflects the completion of the requirements contained in 77 Ill. Adm. Code 2056.505(a) through (d) where applicable.

- 2) Applicants whose use of alcohol/drugs has been classified as Problematic (Level II) must document successful completion of an alcohol/drug remedial course as specified in (1) above and the treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The treatment must be provided by an individual or agency licensed to provide such treatment by DASA or the Department of Public Health.

- 3) Applicants classified as Problematic Use, Dependent (Level III) must document abstinence as required in subsection (e) below; and compliance with all treatment recommendations of his/her evaluator -and must prove that he/she has established an

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completion of treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health; the establishment of an ongoing support/recovery program; and the completion of any additional treatment recommendations of his/her evaluator.

- 4) In the event that a treatment provider does not require an individual classified Level II or Level III to complete at least the minimum amount and type of treatment specified by DASA, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision.

c) The presence of more than one conviction for DUI on an Applicant's abstract shall create a rebuttable presumption that the Applicant suffers from a current alcohol/drug problem and should, therefore, be classified at least as a problematic user (Level II).

d) Evidence which shall be considered in determining whether the Applicant has met his/her burden of proof and, in particular, has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:

- 1) The factors enumerated in Section 1001.430(b) above;
- 2) The similarity of circumstances between BH alcohol or drug related arrests;
- 3) Any property damage or personal injury caused by the Applicant while driving under the influence;
- 4) Changes in lifestyle and alcohol/drug use patterns following BH alcohol/drug related arrests, and the reasons therefor;
- 5) The chronological relationship of BH alcohol/drug related arrests;
- 6) Length of alcohol/drug abuse pattern;
- 7) Degree of self-acceptance of alcohol/drug problem;
- 8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following BH alcohol/drug related arrests;
- 9) Prior relapses from attempted abstinence;
- 10) The problems, pressures and/or external forces alleged to have precipitated the Petitioner's abuse of alcohol or other drugs

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on the occasion of each alcohol/drug related arrest for BH, and the present status of the same; particularly whether they have been satisfactorily resolved;

- 11) The Petitioner's explanation for his/her multiple arrests and/or convictions for BH offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;

- 12) The evaluator's rationale for classifying an Applicant with multiple DUI convictions as a non-problematic user (Level I). In such cases it is particularly important that the evaluator's classification be based on complete and accurate information.

- 13) It is particularly important that the evaluator's classification be based on complete, accurate and consistent information. The probative value of evaluations which deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon the degree to which the evaluation deviates from this standard and the standards imposed by DASA.

e) Applicants with a clinical impression of Problematic Use, Dependency (Level III) (High Risk) should have a minimum of twelve (12) consecutive months of documented abstinence. Waivers are discretionary when considering an RDP but shall be for no not be granted unless the Petitioner proves at least six (6) months continuous abstinence and active involvement in a support program. Documentation of abstinence must be received from at least three (3) independent sources. The sources should not be fellow members of a support group. When waivers are granted Petitioner shall be required to supply the Office of the Secretary with monthly documentation of his involvement in the support program or the RDP will be cancelled. The Hearing Officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters documenting abstinence should contain at a minimum, the following:

- 1) The writer's relationship to Applicant (friend, family member, fellow employee, etc.).
- 2) How long the writer has known the Applicant.
- 3) How often the writer sees the Applicant (daily, weekly, monthly, etc.).
- 4) How long the writer knows the Applicant has abstained.

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f) If the Applicant has been attending a self-help program, such as Alcoholics Anonymous or Narcotics Anonymous, the Applicant should present at least three dated letters from fellow self-help program members documenting at a minimum the following:

- 1) How long the writer has known the Applicant.
- 2) How long the Applicant has attended the program.
- 3) How often the Applicant attends the program.

g) If Applicant has a self-help program sponsor, one (1) letter should be obtained from his/her sponsor documenting the above data.

h) In cases where an Applicant seeks a restricted driving permit to allow him/her to drive to self-help program meetings, he/she must provide specific information identifying at a minimum, the following:

- (1) The locations of the meetings he/she wishes to attend;
- (2) The days of the week when meetings are held at these locations;
- (3) The hours of the day when these meetings are held;

i) WhenIf the Petitioner has had alcoholism/ or drug related treatment he/she should document must provide a narrative summary which includes, at a minimum, the following information:

- 1) The Name, address, and telephone number of treatment center.
- 2) The type and length of treatment (include dates); date the Petitioner entered treatment and the date the Petitioner was discharged from treatment. The number days or hours the Petitioner was involved in treatment.
- 3) A summary of the Applicant's involvement in treatment; with particular attention to the quality of participation and the overall response of the Applicant during treatment. The type of treatment received, (e.g. outpatient, intensive outpatient, or inpatient treatment; individual or group therapy.)
- 4) A summary of the Petitioner's involvement in treatment, including a discussion of those specific alcohol/drug related issues addressed during treatment, as well as the quality of the Petitioner's participation and overall response during treatment.

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5) A prognosis in terms of the Applicant's continued stability and relapse potential. A clinical impression of either a Level II Petitioner's ability to maintain a non-problematic pattern, or a Level III Petitioner's ability to maintain a stable recovery. Specifically, the treatment provider's perception of what the Petitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems.

46) Any recommendations for aftercare or follow-up support, and an indication of Applicant's participation, if applicable.

67) The dated signature of the professional staff person providing the treatment information.

8) If Petitioner is unable to provide the required information, he must provide documentary evidence of his attempts to obtain same and the reason for its unavailability.

j) These rules apply to applications for driving relief while suspended, revoked, or cancelled, or after denial of driving privileges for an alcohol/drug-related offense or cause, and to Applicants required to obtain an alcohol/drug evaluation pursuant to Section 341001-440(a)(6) of this part.

k) If an Applicant presents an alcohol/drug evaluation that was obtained as a condition precedent to either obtaining a JDP or the disposition of a DUI charge, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.450 New Hearings

a) If an Applicant is denied any relief after a Formal Hearing conducted pursuant to the Rules of Subpart A hereof, either for cause or upon default no new formal or informal hearing will be granted to that Applicant until at least four (4) months have elapsed since the date of the hearing.

b) No new hearing will be granted to an Applicant if that Applicant has a case pending in administrative review on the same issue.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.460 Requests for Modification of Revocations and Suspensions

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- a) Revocations and suspensions will not be rescinded, except as provided by law or rule.
- b) Consideration for early termination of suspension may be given to an Applicant under the following conditions:
- 1) No serious accidents on past record, as defined by Sections 6-205(a) and (b) and 6-206(a) of the Code.
 - 2) No violations for at least 6 months, and no prior revocations or suspensions on the Applicant's driving record.
 - 3) Intensity of hardship.

- c) Mandatory revocations and suspensions cannot be reduced or modified in any way.

- d) A discretionary revocation may be reduced to a suspension or the period of a discretionary suspension may be reduced for good cause shown. To be favorably considered, the Applicant must not have a prior revocation or suspension, (suspensions under the Safety Responsibility Law not withstanding) the offense(s) must not be serious, a hardship must be demonstrated, the Applicant must demonstrate that he/she is a low risk for repeating his/her behavior in the future. Other factors may be considered by the Hearing Officer.

- e) Petitioners whose driving privileges have been suspended or revoked pursuant to Section 6-206(a) of the Code for an out-of-state conviction for an offense which if committed in Illinois would be grounds for suspension or revocation, and whose driving privileges were suspended or revoked in that state, thus creating an undue hardship affecting the Petitioner's ability to go to work and perform daily tasks in that state, may be given credit for that out-of-state suspension or revocation on against the period of his/her Illinois suspension or revocation. Such credit shall be granted to be the same period of time actually served (on the out-of-state suspension/ revocation) prior to the effective date of the Illinois suspension/ revocation. A discretionary revocation will be modified to a suspension and terminated early, or the date of eligibility for full reinstatement of Illinois driving privileges shall be advanced.

- f) Suspension periods are set by rule of the Department of Drivers Services to apply equally to all persons. Modifications in any way should be granted in only limited cases. This procedure should be used rarely and the reasons should be fully documented on the record.

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(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.470 Renewal, Correction and Cancellation of RDP's

- a) Holders of a RDP granted as a result of a Formal Hearing decision, if still valid or expired for 30 days or less, who want to renew it; and who are required to apply for reinstatement through a formal hearing, (See Section 1001.300) may apply for a new RDP through an informal hearing, and will use the standard procedures set forth in Subpart C of this part and providing all documentation required in Subpart D in cases which are alcohol/drug related.

- b) Applicants who are required to apply for relief at a Formal Hearing or who choose to apply for relief at a Formal Hearing and who are issued a RDP, may apply for additional RDPs for different purposes at informal hearings. Petitioners so situated must produce the same evidence at the informal hearing as would have been required for favorable consideration at a Formal Hearing.

- bc) Corrected RDPs will be issued to the holders of valid RDPs to make necessary changes to the information on the RDP if changes to in employment information and driving limits are documented and verified, able in the same manner as the original permit. Corrected RDPs will expire on the same date as the original permit.

- ed) RDP's will be cancelled or invalidated pursuant to Sections 6-303, 6-113, 6-201, 6-205(a), and 6-206(a) of the Code. The Secretary of State reserves the authority to cancel any restricted driving permit(s) previously issued to a Petitioner when the preponderance of the evidence taken at a subsequent hearing demonstrates that the Petitioner can no longer be considered a low risk to repeat his/her past abusive behavior and a safe and responsible driver, has progressed in his/her recovery from an alcohol/drug problem, or otherwise in any way is no longer in compliance with the standards specified in this Subpart D.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1001.480 Unsatisfied Judgements Suspensions

- a) No A hearing is not necessary where the judgement has been satisfied, stayed by court order, or become unenforceable under Sections 12-108, 2-1601, and 13-218 of the Code of Civil Procedure (Ill. Rev. Stat. 1985 1987, ch. 110, pars. 12-108, 2-1601, 13-218). A certified or file stamped copy of the release, stay order, or half-sheet or docket sheet shall be filed with the Safety and Financial Responsibility Division of the Department of Driver Services, 2701 S. Dirksen Parkway, Springfield, Illinois.

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- b) If the judgement has not been satisfied, stayed by court order, nor become unenforceable, no relief will be granted by the Secretary of State's Office.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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1. Heading of the Part: Driving Under the Influence Programs

2. Code Citation: 77 Ill. Adm. Code 2056

3. Section Numbers: Adopted Action

2056.1 Amendment
2056.5 Amendment
2056.55 Amendment
2056.60 Amendment
2056.61 New Section
2056.70 Amendment
2056.75 Amendment
2056.300 Amendment
2056.320 Amendment
2056.330 Amendment
2056.405 Amendment
2056.410 Amendment
2056.415 Amendment
2056.420 Amendment
2056.500 Amendment
2056.505 Amendment
2056.510 Amendment
2056.515 Amendment
2056.605 Amendment
2056.610 Amendment
2056.700 Amendment
2056.710 Amendment
Appendix A Amendment

4. Statutory Authority: Implementing and authorized by the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1 et seq.) and by Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6352-1(1)(a) and (b) and (2)(a) and (b)).

5. Effective Date of Rule(s): April 28, 1989

6. Does this rulemaking contain an automatic repeal date? No

7. Does this rulemaking contain incorporations by reference? No

8. Date Filed in Agency's Principal Office: April 28, 1989

9. Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 22265 - December 30, 1988.

10. Has JCAR issued a statement of objections to this rule: No

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11. Difference(s) between proposal and final version:

- a) Changes were made in accordance with the memorandum of January 30, 1989 to Nancy J. Bennett from Mimi Griffiths of the Administrative Code Division of the Secretary of State, and in accordance with the letter of April 5, 1989 to Jane Mortell from Tom McDermand of the Administrative Code Division of the Secretary of State.
- b) In the Authority Note, "of the" has been added in the third line, after (b).
- c) In Section 2056.1:

The phrase "and may also use to enhance and support its regulatory inspections and investigations" has been added to the end of the definition of "Drunk and Drugged Driving Prevention fund."

In line six of the definition of "Treatment", "Drug Abuse Programs" has been deleted and replaced by "Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs." In the same line the outdated "2055" has been deleted and replaced by "2058." In line six and seven the outdated language "or Alcoholism and Intoxication Treatment Programs (Ill. Adm. Code 200)," has been deleted.

In Section 2056.5(a):

In line one and two "28(b) and (c)" has been deleted and replaced by "2-101(1)(a) and (b) and (2)(a) and (b)." In line five "6328(b) and (c)" has been deleted and replaced by "6352-1(1)(a) and (b) and 2(a) and (b)", which reference the current act.

In Section 2056.55(a):

In line five "Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6351-1 et seq." has been added.

Section 2056.60(e):

The phrase "regular evaluation or remedial education fee" has been deleted and replaced by "rate established by the Department for the service pursuant to Section 2056.61(e)."

In Section 2056.61:

In (a)(3) "random sample" has been deleted from the first line.

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In (b) the following language has been added to the end of the paragraph: "supporting documentation means any documentation used to verify and substantiate that a DUI defendant qualifies as an indigent pursuant to Section 2056.60(c) and (d)."

In (c)(2) the following language has been added to the end of the paragraph: "A program which offers a remedial education course as part of the required hours of alcohol and drug treatment pursuant to Section 2056.410(a), shall not be eligible to receive reimbursement for such remedial education course from the DUI Fund, if the program uses any public monies to provide any or all of said hours of alcohol and drug treatment."

The sentence "A DUI episode as used herein shall mean a single DUI arrest", has been added to the end of Subpart (c).

In (d) "In the event that additional fees are collected after billing to the Department, the program shall immediately notify the Department and if the bill has been paid, make provision for repayment either directly or through billing adjustment." has been deleted and replaced by "If a program collects more than 10% of the Department's rate for the service, it may not request reimbursement from the Department. If reimbursement is sought, the Department's payment plus 10% of the Department's rate shall be considered full payment and collect efforts shall cease."

The entire text of (e) has been deleted and replaced by "The amount which the Department will reimburse service providers from the DUI Fund for each service shall be 90% of a cost-based rate established by the Department annually for the service, or the provider's usual and customary fee for the service minus 10% of the Department's rate, whichever is less. The rates shall be generated through the application of formal methodologies specific to each service."

In (f)(1) "random sample" has been deleted from line one.

"Department audits may be conducted on a random basis to survey program compliance with this part or in response to complaints", has been added after the first sentence of the paragraph. The phrase "or a client who has paid more than 10% of the Department's rate for the service", has been added to line four. In line five "shall" has been replaced by "may". In line ten "paragraph" has been deleted and replaced by "par."

In (f)(2) we have inserted the first two sentences, beginning with "random...", of the above paragraph. In line six "shall" has been deleted and replaced by "may." In line ten "paragraph" has been deleted and replaced by "par."

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In (g) "Invoice for Services" has been deleted from lines one and two and the following language has been added: "Monthly Invoice Summary of Services to Indigent DUI Defendants" (IL-409-212) and "Report of Evaluation Service to Indigent DUI Defendant" (IL-409-213) and/or "Report of Remedial Education Service to Indigent DUI Defendant" (IL-409-214).

In (g)(5) "In fiscal year 1989, "has been added to the beginning of the first sentence. In line two "beginning" has been deleted and replaced by "on or after". "Thereafter, reimbursement may be had for services provided on or after the date on which the program qualifies". has been added as the second sentence.

d) In 2056.75

In (d)(4) a comma has been added after 1987 in line two.

e) In 2056.500:

In (i) "as defined at Section 2056.61(b)," has been added between "documentation," and "if".

f) In 2056.505:

In (e) "as defined at Section 2056.61(b)," has been added between "documentation," and "if".

g) In 2056.510:

In (d) "Invoice for Services" has been deleted from line four, and the following language has been added: "Monthly Invoice Summary for Services to Indigent DUI Defendants" (IL-409-212) and "Report of Evaluation Service to Indigent DUI Defendant" (IL-409-213) and/or "Report of Remedial Education Service to Indigent DUI Defendant" (IL-409-214).

h) In appendix A:

"Most Recent" has been added in front of "previous Employer".

12. Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13. Will these amendments replace an Emergency Amendments currently in effect? No

14. Are there any other proposed amendments pending on this Part? No

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15. Summary and Purpose of Rule(s).

This rule creates the procedures whereby licensed DUI service providers can obtain reimbursement from the Drunk and Drugged Driving Prevention Fund (DUI Fund) for the uncollected cost of covered services provided to indigent DUI defendants. The DUI Fund is a special fund in the State Treasury pursuant to P.A. 85-1304, effective January 30, 1989.

In addition, this rulemaking has amended the rules governing the provision of DUI evaluation, remedial education and BASSET services by incorporating changes that were omitted by oversight from the last published version and by revising citations for certain Statutes.

16. Information and questions regarding this adopted rule shall be directed to:

Jane Mortell
Associate Counsel
Illinois Department of Alcoholism and Substance Abuse
100 West Randolph Street, Suite 5-600
Chicago, Illinois 60601
(312) 917-6359

The full text of the adopted amendments begins on the next page.

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER d: LICENSES

PART 2056
DRIVING UNDER THE INFLUENCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
2056.1	Definitions
2056.5	Programs Subject to License
2056.10	Non-Transferability of License
2056.15	Proof of License
2056.20	Change in Authorized Program Representative or Services
2056.25	Zoning Requirements
2056.30	Emergency Services Plan
2056.35	Exceptions for Evaluation and Remedial Education Programs
2056.40	Compliance with Court Rules
2056.45	Program Service Termination/Records Disposal
2056.50	Documentation of Policies and Procedures
2056.55	Referral Procedures
2056.60	Service Fees
2056.61	DUI Fund Reimbursement
2056.65	Informed Consent
2056.70	Non-Disclosure Privilege
2056.75	Sanctions

SUBPART B: LICENSE FEES/APPLICATIONS/RENEWALS

Section	
2056.200	Application Forms
2056.205	Renewal Application Forms
2056.210	License Fees
2056.215	Period of License
2056.220	Acceptance for Processing
2056.225	Verification of Application Information

SUBPART C: EVALUATION PROGRAMS

Section	
2056.300	Purpose of Evaluation
2056.305	Evaluation Requirements
2056.310	Evaluation Classifications
2056.315	Evaluation Recommendations

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2056.320 Qualifications and Training of Evaluators
2056.325 Evaluation Form
2056.330 Administrative Requirements

SUBPART D: REMEDIAL EDUCATION PROGRAMS

Section	
2056.400	Purpose of Remedial Education
2056.405	Content of Educational Curriculum
2056.410	Remedial Education Course Requirements
2056.415	Qualifications and Training of Remedial Education Instructors
2056.420	Remedial Education Programmatic Requirements

SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

Section	
2056.500	Defendant Records (Evaluation)
2056.505	Defendant Records (Remedial Education)
2056.510	Program Records
2056.515	Personnel Records
2056.520	Records Security
2056.525	Submission of Reports and Required Forms

SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) PROGRAMS

Section	
2056.600	Purpose of Beverage Alcohol Sellers and Servers Education and Training (BASSET)
2056.605	BASSET Curriculum Requirements
2056.610	BASSET Programmatic Requirements
2056.615	BASSET Recordkeeping/Reports

SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section	
2056.700	Complaints
2056.705	Inspections
2056.710	Investigations

Appendix A QUALIFICATION FOR DUI SERVICES AS AN INDIGENT

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-100 et seq.) and by Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6352-1(1)(a) and (b) and (2)(a) and (b)).

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SOURCE: Emergency rules adopted at 10 Ill. Reg. 521, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 13207, effective July 28, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 11138, effective June 21, 1988; amended at 13 Ill. Reg. 7274, effective April 28, 1989.

SUBPART A: GENERAL PROVISIONS

Section 2056.1 Definitions

"Abuse" means a pattern of use of alcohol or other drugs with the potential of leading to immediate functional problems, such as loss of control over use, blackouts, changes in tolerance to alcohol or drug use, and/or impairment in social, legal, family, marital, physical or economic areas, or to addiction or the use of alcohol or other drugs solely for purposes of intoxication as determined by an evaluator.

"Alcohol and Drug Evaluation Report Summary" means the form required for purposes of granting judicial driving privileges, as defined in the Illinois-Brainer-Bienenshaw, Section 6-206 of the Illinois Driver Licensing Law. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-206)

"Alcohol and Drug Evaluation Uniform Report" means the form mandated by the Department for purposes of reporting the evaluation summary to the circuit court of venue or the Office of the Secretary of State.

"Authorized Program Representative" means the individual designated by the program to act on its behalf with regard to the provision of DUI services.

"BASSET" means Beverage Alcohol Sellers and Servers Education and Training program.

"Chemical Test(s)" means the blood alcohol concentration (BAC) and or drug concentration resulting from a breath, blood or urine test.

"Department" means the Department of Alcoholism and Substance Abuse.

"Dependent" means characterized by symptoms, such as preoccupation with alcohol or other drugs with physical disability and impaired emotional, occupational or social adjustments or a combination thereof as a direct consequence of loss of control over consumption, leading to periodic or chronic intoxication; tendency to increase the dose; tendency toward relapse; and a psychological (e.g., problems with relationships or the belief that activities cannot be done as well without the substance), and, sometimes a physical

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(e.g., tremors, cravings, or withdrawal symptoms) dependence on the effects of the alcohol and other drugs;

"Director" means the Director of the Department of Alcoholism and Substance Abuse.

"Drunk and Drugged Driving Prevention Fund" (DUI Fund) means a special fund in the State Treasury created by Section 4-102 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6351-1 et seq. as added by P.A. 85-1304, effective January 1, 1989) out of which the Department may reimburse licensed DUI evaluation and remedial education programs for the uncollected costs of providing services to indigent DUI defendants pursuant to this Part, and which it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in Section 11-501 of the Illinois Vehicle & Title & Registration Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 11-501).

"DUI" defendant means anyone arrested for driving while under the influence of alcohol, other drug, or a combination thereof as defined in Section 11-501 of the Illinois Vehicle and Title & Registration Law. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 11-501)

"Evaluation" means the professional evaluation to determine the nature and extent of the use of alcohol or other drugs as required by Section 5-4-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1985, ch. 38, par. 1005-4-1) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-206).

"Evaluator" means the person qualified in accordance with Section 2056.320 or the person supervised by a qualified evaluator who performs the evaluation.

"Follow-up Services" means routine scheduled or unscheduled contact that begins after completion of treatment and occurs for a period of time and at least at specified intervals. Follow-up is for the purpose of offering the DUI defendant continuing assistance and activities designed to support or enhance goals achieved in treatment.

"Indigent DUI defendant" means anyone who has proven inability to pay the full cost of the DUI evaluation or remedial education as determined through criteria established by the program in conjunction with Department guidelines specified in Section 2056.60(c); and

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whose uncollected costs for DUI services provided may be reimbursed to the program from the DUI fund.

"Inspection" means the act of conducting interviews, record reviews, and physical observations by the Department at a program to assess compliance with Federal and State rules and regulations.

"Instructor" means the person qualified in accordance with Section 2056.415 or the person supervised by a qualified instructor who teaches remedial education.

"Level I - Non-Problematic - (Minimal Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior convictions or court ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months.

"Level II - Problematic Use - (Moderate Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior conviction(s) or court ordered supervision(s) for DUI and a blood alcohol concentration (BAC) at time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months.

"Level III - Problematic Use - (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has prior conviction(s) or court ordered supervision(s) for DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of alcohol or drug abuse.

"Level III - Problematic Use - Dependent - (High Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant with symptoms of alcohol and/or drug dependence.

"Program" means any individual, government or governmental subdivision or agency, corporation, partnership, firm, business trust, estate, organization, or association acting individually or as a group which is licensed to operate one or more services.

"Risk" means the specific level (minimal, moderate, significant, or high) assigned to a DUI defendant which describes the defendant's probability of continuing to operate a motor vehicle in an unsafe manner. This level assignment is based upon the following factors:

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the nature and extent of the defendant's alcohol and/or drug use;

the BAC level(s) at the time of arrest(s);

prior dispositions for DUI;

and other factors which include any other physical, emotional and/or social dysfunction arising from the use of alcohol or other drugs.

"Server" shall refer to an individual who is responsible for the management of, control of, or service to the patrons of an establishment which sells or serves alcoholic beverages at retail.

"Service" means: DUI evaluation; DUI remedial education; or BASSET.

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake, assessment, treatment planning, individual, group and/or family counseling, and discharge planning. Treatment shall occur in a program licensed to provide services pursuant to Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs Drug-Abuse-Programs (77 Ill. Adm. Code 2055 2058), or Alcoholism-and-intoxication-treatment-programs (Ill. Adm. Code-200); or the Medical Practice Act of 1987 (Ill. Rev. Stat. 19857, ch. 111, par. 44010-1, et seq.), or the Hospital Licensing Act (Ill. Rev. Stat. 19857, ch. 111 1/2, par. 142 et seq.).

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989.)

Section 2056.5 Programs Subject to Licensure

- a) The programs which provide services pursuant to Section 28-(b)-and (c) 2-101(1)(a) and (b) and (2)(a) and (b) of the Alcoholism-and Substance-Abuse-Act, Illinois Alcoholism and Other Drug Dependency Act, (the Act), (Ill. Rev. Stat. 19857, ch. 111 1/2, par. 6328-(b) and-(c) 6352-1 (1)(a) and (b) and (2)(a) and (b)) are subject to licensure by the Department under this Part.

- 1) Programs which conduct professional evaluations of DUI defendants to determine non-problematic or problematic use of alcohol or other drugs.
- 2) Programs providing remedial education courses to DUI defendants.

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- 3) Programs designed to educate or train employees who sell or serve alcoholic beverages at retail to identify and address persons displaying problems with alcohol or other drug use.
- b) In addition, separate licensure shall be required for each service in each location in which the service is offered at least three days per week, even though they are operated by the same program.
- c) The Department shall be notified in writing of any location at which services are provided fewer than three days per week. Notice to the Department on the license application will fulfill this requirement.
- d) Programs shall post the days and hours of operation at each location where any DUI services are provided. This information shall be readily visible at all times to those seeking services.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.55 Referral Procedures

The following provisions apply to all programs. However, programs located in a county with a population of more than one million persons shall not refer a DUI defendant into a treatment or remedial education service within the same program and shall not accept a DUI defendant into a treatment or remedial education service within the same program.

- a) Programs which provide evaluations to DUI defendants shall recommend referral of those individuals determined to be problematic users (Level II or III) to treatment licensed pursuant to the Illinois Alcoholism and Other Drug Dependency Act. (P.A.-85-965; effective July-17-1988)
- b) After a recommendation for treatment, each problematic defendant (Level II or III) shall be shown a directory which includes all Illinois licensed alcohol and drug treatment programs and DUI remedial education programs.
- c) Remedial education referrals for defendants classified as Level I or II shall be to a remedial education program licensed by the Department pursuant to Subpart D.
- d) After a recommendation for remedial education each non-problematic defendant (Level I) shall be shown the statewide directory of DUI remedial education providers compiled by the Department.
- e) After the appropriate directory referenced in subsections (b) and (d) has been shown, all DUI defendants shall attest to the fact that

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- they have been shown this directory by signing the Department's "Referral List Verification Form" (IL-409-01700).
- f) Upon request by the DUI defendant, a treatment or remedial education service provider shall be provided a copy of the "Alcohol and Drug Evaluation Uniform Report" form. This copy can be provided to the treatment or remedial education service provider only with the written consent of the DUI defendant.
- g) Upon request by the DUI defendant, the DUI service provider shall furnish a copy of the completed "Alcohol and Drug Evaluation Uniform Report" form to the DUI defendant or any treatment or remedial education program specified by the DUI defendant. Release of this form must be in compliance with Section 2056.70(e).

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.60 Service Fees

- a) Programs providing DUI evaluations and remedial education shall establish a fee policy. This fee policy shall include a schedule of charges for evaluations, remedial education, evaluation updates, presentation of court or hearing testimony and photocopying of evaluation or remedial education records.
- b) Programs shall provide alcohol and drug evaluation and remedial education services to indigent DUI defendants. Such services shall be provided on the same terms and conditions as required under this Part, regardless of ability to pay.
- c) In order for a DUI defendant to be considered for a reduced or deferred evaluation or remedial education fee, the program must first determine whether the defendant meets any one of the following criteria:
 - 1) recipient of assistance under the Illinois Public Aid Code (Ill. Rev. Stat. 1985, ch. 23, par. 1-1 et seq.) or Title II or XVI of the Social Security Act (42 U.S.C. 401 et seq. or 1351 et seq.) (Social Security Disability); or
 - 2) recipient of unemployment compensation pursuant to the Unemployment Insurance Act (Ill. Rev. Stat. 1985, ch. 48, par. 300 et seq.); or
 - 3) have a reported household annual income which falls within the Department's established guidelines as indicated in Section 2056, Appendix A of this Part.

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- d) Any defendant meeting one or more of the above criteria listed in subsection (c) shall complete the Department's "Qualification for DUI Services as an Indigent" Form IL-409-0199 for each type of service requested and provide documentation relative to income and assets, as determined by established program procedures. A copy of this application(s) shall be maintained in the DUI defendant's record. No program may be reimbursed from the DUI Fund for a client without this form in his record.
- e) Based upon other information collected on the "Qualification for DUI Services as an Indigent" Form IL-409-0199 and any other documentation required by the program, the defendant's ability to pay and the amount charged shall be determined by the program. In all cases, the minimum amount an indigent DUI defendant can be charged is 10% of the regular-evaluation-or-remedial-education-fee rate established by the Department for the service pursuant to Section 2056.61(e).
- f) Prior to the provision of DUI services, programs shall provide to each DUI defendant a written schedule of the determined fee and any payment terms. A copy of this form shall be maintained in the DUI defendant's record.
- g) This provision is not intended to restrict in any way a program's ability to collect fees from defendants who are able to pay.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.61 DUI Fund Reimbursementa) Qualifying Programs

Any licensed DUI evaluation or remedial education program which is in compliance with this Part is eligible for participation in the reimbursement program for indigent DUI defendants from the DUI Fund provided that it first:

- 1) enters into a DUI Fund Reimbursement Contract with the Department.
- 2) requires that any and all staff involved in the reimbursement invoice vouchering process read the Department's training manual on the process, and verifies that they have done so, and that any new staff shall read the manual prior to participating in the process.
- 3) agrees to audits by the Department of all financial records related to DUI Fund billing, reimbursement, and the underlying provision of services and collection of fees.

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b) Eligible Clients

Such qualifying DUI programs may be reimbursed from the DUI Fund for uncollected costs of providing services to DUI defendants determined to be indigent under Section 2056.60(c) and (d), providing that form IL-409-0199 and appropriate supporting documentation is maintained in the client's file. Supporting documentation means any documentation used to verify and substantiate that a DUI defendant qualifies as an indigent pursuant to Section 2056.60(c) and (d).

c) Reimbursable Services1) Services shall be reimbursed as follows:

A) DUI evaluations, which shall be limited to one evaluation per defendant per DUI episode. For billing purposes the unit of service shall be a completed evaluation as described in Sections 2056.305 and 2056.325 regardless of the time it takes to meet those requirements for the DUI defendant.

B) DUI remedial education courses, which shall be limited to one completed course per defendant per DUI episode. For billing purposes the unit of service shall be one completed course as described in Section 2056.410. A program which offers a remedial education course as part of the required hours of alcohol and drug treatment pursuant to Section 2056.410(a), shall not be eligible to receive reimbursement for such remedial education course from the DUI Fund, if the program uses any public monies to provide any or all of said hours of alcohol and drug treatment.

2) A DUI episode as used herein shall mean a single DUI arrest.

d) Fee Collection

Programs shall make all reasonable efforts to collect fees from the defendant prior to requesting reimbursement. If a program collects more than 10% of the Department's rate for the service, it may not request reimbursement from the Department. If reimbursement is sought, the Department's payment (pursuant to subsection (e)) plus 10% of the Department's rate shall be considered full payment and collection efforts shall cease. Programs shall maintain any and all records of attempted collection from indigent DUI defendants (or third parties) for whom reimbursement has been sought, in the client's file, and shall allow the Department to inspect such records.

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e) Rate

The amount which the Department will reimburse service providers from the DUI Fund for each service shall be 90% of a cost-based rate established by the Department annually for the service, or the provider's usual and customary fee for the service minus 10% of the Department's rate, whichever is less. The rates shall be generated through the application of formal methodologies specific to each service.

f) Fiscal Auditing

- 1) The Department shall conduct post billing audits of client eligibility and financial status. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If such audit reveals that the program has billed for an ineligible client, or a client who has paid more than 10% of the Department's rate for the service, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.

2) The Department shall conduct audits of indigent DUI client records for whom reimbursement was sought to determine if the services billed for were provided. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If services were not provided, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.g) Billing

Programs shall submit billings to the Department, on the "Monthly Invoice Summary for Services to Indigent DUI Defendants" (IL-409-212) and "Report of Evaluation Service to Indigent DUI Defendant (IL-409-213) and/or Report of Remedial Education Service to Indigent DUI Defendant (IL-409-214), supplied by the Department as follows:

- 1) Billings must be submitted to the Department on a monthly basis within thirty (30) days after the end of each month for services provided in such month.

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- 2) Services to the indigent DUI defendant must be complete prior to billing. Billing for partial or incomplete services is not allowed.
- 3) Reimbursement shall be subject to availability of money in the DUI Fund. If limited money is available the Department may, upon reasonable notice to qualifying programs, give priority to reimbursement for evaluation services. The Department may, if required, give thirty (30) days notice to qualifying programs that reimbursement will be discontinued.
- 4) Should two bills be submitted for the same service for the same DUI defendant for the same episode, the first date of service alone shall be reimbursed.
- 5) In fiscal year 1989, reimbursement may be had for services provided on or after January 1, 1989 providing the program qualifies within a month after rules regarding the DUI Fund are promulgated, or June 30, 1989, whichever comes first. Thereafter, reimbursement may be had for services provided on or after the date on which the program qualifies. For services provided before the promulgation of rules regarding the DUI Fund, the monthly billing requirement in subsection (g)(1) is not applicable.

(Source: Added at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.70 Non-Disclosure Privilege

- a) Each DUI evaluation program shall establish written policies and procedures that protect the non-disclosure privilege of DUI defendants as specified in subsection (e).
- b) The DUI evaluation program shall furnish a copy of the completed "Alcohol and Drug Evaluation Report Summary" form required by Section 6-206 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 19857, ch. 95 1/2, par. 6-206) for the purpose of granting judicial driving privileges to the circuit court of venue and any of its court officials, including the probation department, as specified by local court rules. The release of the evaluation form specified in Section 6-206.1 of the Illinois Driving Licensing Law must be in accordance with subsection (e).
- c) The DUI evaluation program shall also furnish a copy of the Completed "Alcohol and Drug Evaluation Uniform Report" directly to the circuit court of venue, unless another court repository is specified by local court rules. If requested, a copy shall also be given to the DUI defendant. When an evaluation is being conducted for the

Office of the Secretary of State, a copy of the completed "Alcohol and Drug Evaluation Uniform Report" shall be given to the DUI defendant to take directly to the informal or formal driver's license hearing.

- d) Notification of incomplete or refused evaluations shall be made as specified in Section 2056.330 (d).
- e) No evaluation information shall be released to any party other than the DUI defendant, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or to the Department without the written consent of the DUI defendant.
- f) Any release of information relative to alcohol and drug treatment received by the DUI defendant requires the written consent of the defendant pursuant to 42 CFR 2 (1987, with no later amendments or editions).

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)
Section 2056.75 Sanctions

- a) The Department may issue a written warning, place on probation, suspend, revoke, refuse to issue, or refuse to renew licenses. In addition the Department may discontinue a program from participation in DUI Fund reimbursement and may require repayment of money improperly paid out of the Fund. Opportunity for a hearing shall be granted in any instance other than when a written warning is issued. The Department shall impose the sanctions listed above in any instance in which the program has:

- 1) failed to comply with any provision of the Act;
- 2) failed to comply with any provision of this Part; or other applicable Parts;
- 3) falsified any information required to be submitted to the Department pursuant to this Part;
- 4) permitted staff members, who are not qualified pursuant to Sections 2056.320 or 2056.415, to perform DUI services;
- 5) failed to comply with any law or ordinance, after the program has been found guilty of the violation by the entity with subject matter jurisdiction over the alleged offense;

- 6) failed to provide reports to any Illinois circuit court in a timely manner, as prescribed by the rules of the court of venue;
- 7) been found to have been or be in violation of local zoning or fire code requirements;
- 8) failed to comply with a Departmental request for information within 30 days;
- 9) interfered with or obstructed a Department compliance inspection or a Department investigation, i.e., failed to sign the inspection notice or failed to provide information requested by the investigator or inspector;
- 10) collected for services covered by the DUI Fund from both the defendant or a third party and the Department beyond what is allowed in Section 2056.61;
- 11) refused to repay money which has been found to have been paid improperly from the DUI Fund after reasonable opportunity to repay has been given by the Department upon demand showing why payment was improper. Repayment shall not preclude the imposition of other appropriate sanctions;
- 12) violated any contractual agreement with the Department.

- b) All hearings pursuant to this Section shall be governed by 77 Ill. Adm. Code 2058.900. The sanction provisions as set forth in 77 Ill. Adm. Code 2058.905 are applicable to licensees under this Part.

- c) Hearings pursuant to this Section are governed by 77 Ill. Adm. Code 2058.900.

- ed) In determining the type and severity of sanctions to be pursued by the Department, the Department shall employ the following standards:

- 1) degree with which licensee's conduct resulted in economic benefit to the licensee;
- 2) relative severity of licensee's conduct (as determined by the severity of associated criminal offenses for the same prescribed conduct);
- 3) licensee's past history of violations or compliance with the Act and provisions of this Part;

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- 4) Lack of mental element (as defined in Sections 4-4 through 4-7 of the Criminal Code of 1961, (Ill. Rev. Stat. 1985, ch. 38, pars. 4-4; 4-5; 4-6; 4-7) in the Act constituting the licensee's offense;
- 5) degree with which DUI program's services for DUI program defendants was affected or jeopardized by licensee's conduct;
- 6) any other relevant factor to be examined in mitigation or aggravation of the licensee's conduct with respect to the severity of sanction sought by the Department.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

SUBPART C: EVALUATION PROGRAMS

Section 2056.300 Purpose of Evaluation

The purpose of a DUI evaluation is:

- a) To obtain significant and relevant information in order to determine the nature and extent of the use of alcohol or other drugs, and
- b) To select an appropriate recommendation for the DUI defendant to the circuit court of venue or the Office of the Secretary of State, and
- c) To identify a DUI defendant's level of risk to public safety for the circuit court of venue or the Office of the Secretary of State.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.320 Qualifications and Training of Evaluators

- a) Staff members shall have no record of court supervision or conviction for DUI related offenses for at least a two year period prior to employment nor shall any staff member have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1985, ch. 38, par. 33-3) for a ten year period prior to employment. Prior to the provision of any DUI service, each staff member shall submit a sworn affidavit (IL-409-180) and a Schedule K, (IL-409-0171) to the Department which indicates that he/she meets the requirements of this Section. The affidavit shall include the person's name, date of birth, address and social security number.

- b) Individuals who conduct alcohol and drug evaluations pursuant to Section 28-(b)-(c) 2-101(1)(a) and (b) and (2)(a) and (b) of the Act, ~~Alcoholism-and-Substance-Abuse-Act, (Ill-Rev-Stat--1985;-ch-~~

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~~iii-1/2;-par- 6328-(b)-and-(c)~~ shall meet at least one of the following criteria:

- 1) three years of directly supervised or supervisory work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 2) graduation from an accredited four year college or university with a degree in social or health sciences and one year of directly supervised or supervisory work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 3) graduation from an accredited university with a postgraduate degree in social or in health science, and licensure by the Illinois Department of Professional Regulation as a physician pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. 4401-1 et seq.), a social worker pursuant to the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 6301 et seq. as amended by P.A. 85-1045, effective January 1, 1989), or a psychologist pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1985, ch. 111, par. 5301 et seq. as amended by P.A. 85-1305, effective January 1, 1989).
- 4) Persons who fail to meet the experience requirements above may provide DUI services under the direct supervision of a person who is a qualified evaluator. Direct supervision means that the qualified evaluator reviews all written documentation and takes responsibility for its accuracy. The evaluation form must also be signed jointly by the qualified evaluator. Experience gained under direct supervision will be acceptable in meeting the experience requirements.

- c) All qualified evaluators and those working under supervision must attend one Basic DUI Orientation Training Session offered by the Department during the first year of employment or as otherwise required by the Department as a result of changes in the rules or for violations of the rules. Additionally, all qualified evaluators and those working under supervision must obtain twelve hours of DUI-specific training annually. Documentation of this training shall be maintained in the personnel records.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.330 Administrative Requirements

- a) Evaluator Qualifications

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It is the responsibility of each program to insure that all evaluators meet the requirements outlined in Section 2056.320.

- b) Time requirements for submission of the evaluation form

Programs conducting DUI evaluations shall furnish the completed "Alcohol and Drug Evaluation Report Summary" and the "Alcohol and Drug Evaluation Uniform Report" to the circuit court of venue, and the DUI defendant at least five working days prior to the court date or Office of the Secretary of State hearing date, unless an earlier date is required by court rules.

- c) Court or hearing appearances

The evaluator shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State, or the DUI defendant.

- d) Incomplete evaluations

Programs shall require the DUI defendant to sign the "Alcohol and Drug Evaluation Uniform Report" before the report is sent to the circuit court of venue or given to the defendant. Evaluation programs shall notify the circuit court of venue or the Office of the Secretary of State, Department of Administrative Hearings within five working days, when DUI defendants fail to complete an evaluation or refuse to sign the evaluation. A DUI defendant will be considered to have failed to complete the evaluation process in instances such as failure to obtain the evaluation from the program, or not finishing the evaluation process. The evaluation program shall communicate this information by using the Department's "Notice of Incomplete/Refused DUI Evaluation" (IL-409-0165).

- e) Evaluation location

All evaluations shall consist of a face to face individual interview. The evaluations must be conducted on the premises of the licensed program or a satellite unless otherwise specified by the circuit court of venue.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

SUBPART D: REMEDIAL EDUCATION PROGRAMS

Section 2056.405 Content of Educational Curriculum

The remedial education curriculum shall include:

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- a) a pre and post test;

- b) information on alcohol as a drug;

- c) physiological and pharmacological effects of alcohol and other drugs including the residual impairment of normal levels of driving performance;

- d) other drugs, legal and illegal, and their effects on driving when used separately and/or in combination with alcohol;

- e) alcohol/alcoholism and drugs/drug dependency and their effect on individuals and families;

- f) Blood Alcohol Concentration (BAC) level and its effect on driving performance;

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.410 Remedial Education Course Requirements

- a) Remedial education courses shall include a minimum of ten hours of classroom instruction, divided into at least four sessions held on different days. No session shall exceed three hours in length. However, the ten hours of remedial education required for defendants classified as Level II - Problematic Use may be offered in conjunction with the required hours of alcohol and drug treatment. Programs offering this type of service must meet the treatment licensure requirements specified in Section 2056.55(a) and provide a specific curriculum for this type of programming, which incorporates the requirements of Sections 2056.405 and 2056.410 (b)-(e), to the Department prior to the provision of services.

- b) In order to successfully complete remedial education, defendants shall attend each session in its entirety and in proper sequence, and shall achieve a score on the post test of at least 75%.

- c) Audio-visual presentations shall not comprise more than 25% of the total class time.

- d) Class size shall be in conformance with local fire and safety codes, and in no event shall more than 24 students be permitted in any one class session.

- e) Remedial education programs shall develop and provide to each DUI defendant, upon enrollment, written procedures governing the following:

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- 1) criteria for admission into the program;
- 2) criteria for disqualification from the program;
- 3) responsibilities of DUI defendants;
- 4) sobriety and drug-free requirements during class;
- 5) course outline, content, costs and class schedules;
- 6) referral back to the evaluation program in cases in which the defendant recognizes a need for treatment.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.415 Qualifications and Training of Remedial Education Instructors

- a) Staff members shall have no record of court supervision or conviction for a DUI-related offense for at least a two year period prior to employment; nor shall any staff member have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1986 for a ten year period prior to employment. Prior to the provision of any DUI service, each staff member shall submit a sworn affidavit to the Department which indicates that he/she meets the requirements of this Part. The affidavit shall include the person's name, date of birth, address and social security number.

- b) Each instructor shall:

- 1) Possess a baccalaureate degree in education or certification as a teacher by the Illinois State Board of Education or,
- 2) Have been employed for a period of at least one year as an instructor of DUI remedial education.

- c) Persons who fail to meet the requirements mentioned above may provide DUI remedial education under the direct supervision of a person who is a qualified instructor. Direct supervision means that the qualified instructor, through visual observation of more than one session, attests that the trainee is able to present the subject matter taking responsibility for written documentation through signatory approval.

- d) All qualified instructors and those working under supervision must attend one Basic DUI Orientation Training Session offered by the Department during the first year of employment or as otherwise

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required by the Department as a result of changes in the rules or for violations of the rules. Additionally, each qualified instructor and those working under supervision must obtain twelve hours of DUI-specific training annually. Documentation of this training shall be maintained in the personnel record.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.420 Remedial Education Programmatic Requirements

- a) Instructor Qualifications

It is the responsibility of each program to insure that all DUI remedial education instructors meet the requirements of this section.

- b) Involuntary Termination

DUI Remedial education programs shall immediately notify the circuit court of venue within five working days of defendants who have been involuntarily terminated from a remedial education course. Programs shall communicate this information by using the Department's "Notice of Involuntary Termination from a DUI Remedial Education Program" (IL-409-0166).

- c) Court or Hearing Appearance

The instructor shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI defendant.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

Section 2056.500 Defendant Records (Evaluation)

The following documents for each DUI defendant shall be maintained for a minimum of five years, shall be filed and available for inspection by the Department. The record shall contain, but is not limited to:

- a) a copy of the Department's "Alcohol and Drug Evaluation Uniform Report" and narrative information to support the summary data collected relative to Section 2056.305(a), and a copy of the "Alcohol and Drug Evaluation Report Summary" if the defendant is requesting judicial driving privileges or if required by Court rule;

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- b) a copy of the Mortimer/Filkins Test, score and category and copies of any other objective tests administered;
- c) copies of any updates to the original evaluation;
- d) a copy of the "Informed Consent Release" (IL-409-0201) and if the defendant has previously undergone or is undergoing treatment, any consent to release treatment information;
- e) a copy or summary of the defendant's driving record and chemical test(s) result(s);
- f) a copy of "Notification of Incomplete or Refused Evaluation" (IL-409-0165), if the DUI defendant refuses or does not complete the evaluation process;
- g) a copy of the "Referral List Verification Form" (IL-409-0170);
- h) copies of any other external corroborative information obtained; such as police arrest reports and discharge summaries;
- i) a copy of the "Qualification for DUI Services as an Indigent" (IL-409-0199) and supporting documentation, as defined at Section 2056.61(b), if the DUI defendant has qualified for a reduction or deferred fee in accordance with Section 2056.60;
- j) a written schedule of the determined fee for the evaluation and any payment terms.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.505 Defendant Records (Remedial Education)

The following documents for each DUI defendant shall be maintained for a minimum of five years and shall be available for inspection by the Department. The record shall contain, but is not limited to:

- a) name, address, age, date of birth, sex, dates of attendance/completion of services, driver's license number;
- b) pre and post test results;
- c) attendance/completion data including a copy of any certificate of completion issued;
- d) a copy of "Notice of Involuntary Termination from a Remedial Education Program" (IL-409-0166), if applicable; the defendant has been involuntarily terminated from the program;

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- e) a copy of the "Qualification for DUI Services as an Indigent" (IL-409-0199) and supporting documentation, as defined at Section 2056.61(b), if applicable; the DUI defendant has qualified for a reduced or deferred fee in accordance with Section 2056.60;

- f) a written schedule of the determined fee for remedial education and any payment terms.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.510 Program Records

The follow program records shall be maintained for a minimum of five years and shall be available for inspection by the Department:

- a) the total number of DUI defendants served, categorized by type of service (evaluation or remedial education);
- b) the total number of DUI defendants requiring special assistance (e.g., language interpreters or handicapped drivers assistance);
- c) gross fees collected for DUI services, categorized by type of service (evaluation or remedial education);
- d) gross fees collected from indigent DUI defendants, categorized by type of service (evaluation or remedial education); along with records of all attempted collection from the client (or third parties) and any and all "Monthly Invoice Summary for Services to Indigent DUI Defendants" (IL-409-212) and "Report of Evaluation Service to Indigent DUI Defendant" (IL-409-213) and/or "Report of Remedial Education Service to Indigent DUI Defendant" (IL-409-214), submitted to the Department by the program.

- e) the number of "Notice of Incomplete/Refused Evaluation" forms processed;

- f) the number of "Notice of Termination from a Remedial Education Program" forms processed.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.515 Personnel Records

The following documents shall be contained in each personnel record and be maintained for a minimum of five years and shall be available for inspection by the Department:

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- a) a copy of the "Schedule K - Staff Member Information and Qualifications" (IL-409-0171);
- b) a copy of the "Schedule L - Authorization for Verification" (IL-409-0168);
- c) a copy of the "Affidavit of Compliance" (IL-409-0180);
- d) a copy of the application for employment;
- e) documentation of education and experience, i.e., a resume;
- f) documentation of employment history, i.e., a resume;
- g) documentation of annual reviews of program policies and procedures required under Section 2056-50;
- hg) documentation of training required under Sections 2056.320(c) and 2056.415(d), i.e., certificates of training.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989.)

SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION
AND TRAINING (BASSET) PROGRAMS

Section 2056.605 BASSET Curriculum Requirements

- a) The program shall submit its curriculum to the Department for review to determine compliance with this rule. The curriculum shall include the following areas of instruction:

- 1) DUI laws;
- 2) Dram Shop laws;
- 3) insurance coverage and liability;
- 4) local ordinances related to the selling and serving of alcoholic beverages;
- 5) victim's rights/compensation;
- 6) vehicular homicide/manslaughter laws;
- 7) identification of false I.D. cards and procedures for notifying law enforcement agencies.

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- b) Instruction shall be provided on any available community support programs such as "designated driver" initiatives.
- c) Instruction shall be provided on the effects of alcohol and/or drugs on driving performance; and Particular emphasis shall be placed on Blood Alcohol Concentration (BAC) levels and the effect of alcohol on driving performance; related to body weight, sex, and amount of alcohol consumed per hour.
- d) The BASSET Program shall instruct sellers and servers of alcoholic beverages in the techniques of recognizing signs and symptoms of alcohol/drug intoxication.

- 1) The information provided during the training session shall enable servers to recognize incorporate visual and behavioral cues that may help servers to recognize patrons who are likely to become intoxicated.
- 2) The curriculum shall delineate the factors affecting intoxication.

- e) The curriculum shall address the special problems associated with different types of drinking establishments such as:

- 1) discotheques;
- 2) entertainment bars;
- 3) adult entertainment bars;
- 4) restaurants;
- 5) neighborhood taverns;
- 6) sporting events;
- 7) concerts or other mass entertainment events.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989.)

Section 2056.610 BASSET Programmatic Requirements

- a) BASSET Programs shall administer a pre test and post test to participants to assess the program's effectiveness and any increase in the sellers' and servers' knowledge of the training areas.

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- b) BASSET Programs shall issue a certificate to each participant who successfully completes that it determines has successfully completed the course.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section 2056.700 Complaints

- a) Complaints relative to DUI program service operations must be directed to the Department according to the following criteria:

1) Complaints may be received verbally, but must be documented in writing by the complainant before any official Department action is undertaken.

2) Any supporting documentation relative to the complaint must also be submitted to the Department.

- b) Upon receipt of the above referenced documentation, if necessary to clarify any related information to a complaint, the Department may will request additional documentation relative to any specific complaint from:

- 1) The circuit court of venue and any of its court officials, including the probation department-;
- 2) The Office of the Secretary of State and any of its formal or informal hearing officers-; and/or
- 3) Any other related source, including but not limited to, the DUI defendant.

- c) All programs shall post the notice of complaint procedure poster furnished by the Department. This poster shall be readily visible to all DUI defendants.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

Section 2056.710 Investigations

- a) The Department shall investigate allegations of violations of the rules promulgated in this Part based on complaints regarding the operation of any programs licensed under this Part.

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- b) Upon presentation of Departmental credentials, Department investigative personnel shall be granted access to all administrative and service areas, defendant records, all other records required under this Part to permit the accomplishment of the investigation.

- c) The Department may will, as a part of its investigatory procedure, notify the circuit court of venue and any of its court officials, including the probation department or the Office of the Secretary of State and any of its formal or informal hearing officers or any other related complainant concerning the initiation, status or disposition of an investigation of a specific licensed program.

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989)

APPENDIX A QUALIFICATION FOR DUI SERVICES AS AN INDIGENT

STATE OF ILLINOIS
DEPARTMENT OF
ALCOHOLISM AND
SUBSTANCE ABUSE

DUI UNIT
222 South College
2nd Floor
Springfield, Illinois 62704
(217) 782-0685

WILLIAM T. ATKINS - DIRECTOR

QUALIFICATION FOR DUI SERVICES AS AN INDIGENT

NAME - LAST	FIRST	INITIAL
STREET ADDRESS		
CITY		STATE CODE
PHONE NO. () DRIVERS LICENSE NO.		
DUI PROGRAM NAME		
DUI LICENSE NO.		

Present Employer	Salary
Occupation	
Most Recent Previous Employer	Salary
Occupation	
Spouse Employer	Salary
Occupation	

Other Income, Investments, Stocks, and Bonds: _____

Other Assets: _____

Own Home? Yes ___ No ___

Total Household Income: _____

TOTAL HOUSEHOLD ANNUAL INCOME IN DOLLARS	HOUSEHOLD SIZE				
	1	2	3	4	5 or more
\$ 0 to \$ 8,000					
8,001 to 9,250					
9,251 to 10,500					
10,501 to 11,750					
11,751 to 13,000					
13,000 to UP					

If check is above heavy line, defendant meets financial eligibility for indigent services.

SPECIFY TYPE OF SERVICE: EVALUATION <input type="checkbox"/> REMEDIAL EDUCATION <input type="checkbox"/>	
Standard Fee	Determined Fee
	Payment Schedule

Indigent DUI Applicant Date Public Defender (Cook County Only) Date

IMPORTANT NOTICE: The Department of Alcoholism and Substance Abuse is requesting disclosure of information that is necessary to accomplish purposes outlined in the Alcoholism and Other Drug Dependency Act (Ill. Rev. stat. 1987, ch. 111 1/2, par. 6351-1 et seq.). Failure to provide this

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Information may result in the suspension or revocation of your license to provide DUI services in Illinois. Form approved by the State Forms Management Center. (II-409-0199) 1/89

(Source: Amended at 13 Ill. Reg. 7274, effective April 28, 1989.)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Delivery of Youth Services Funded by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 310

3) Section Numbers: Adopted Action

310.2 Amendments
310.12 Amendments
310.13 Amendments
310.14 Amendments
310.15 Amendments
310.16 Amendments

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 5005, 5017 through 5017a-9 and Ill. Rev. Stat. 1987, ch. 37, pars. 803-1 et seq. as amended by Public Act 85-1235 effective August 30, 1988.

5) Effective Date of Amendments: May 15, 1989

6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If so, please specify date:

7) Do these amendments contain incorporations by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: May 15, 1989

9) Notice(s) of Proposal Published in Illinois Register:

July 22, 1988, 12 Ill. Reg. 11935
(issue date)

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes
If answer is "yes," please complete the following:

A) Statement of Objection: March 17, 1989, 13 Ill. Reg. 3412
(issue date)

B) Agency Response: May 12, 1989, 13 Ill. Reg. 7483
(issue date)

C) Date Agency Response Submitted for Approval to JCAR: April 14, 1989

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version:

In addition to various formatting and stylistic changes recommended by the Administrative Code Division the following changes were made:

Section 310.2 -- In the definition of "Truant Minor in Need of Supervision", after the word "supervision" add "as defined in Section 3-33 of the Juvenile Court Act (as amended by P.A. 85-1235, effective August 30, 1988)".

Section 310.12(a)(3) -- First line -- delete the words "youth, including runaways and" and replace with the words "self-referred" immediately before "homeless youth". On the same line after "age" add "including youth". In the fourth line, after the word "danger" add "(e.g. sexual exploitation, involvement with criminal activity)". After "youth's safety" delete "who are self-referred".

Section 310.13(b)(2) -- Delete the words "or upon self-referral of a minor who independently requests assistance". Add a new subsection (b)(3) which reads "For homeless youth under 18 years of age who are self-referred, crisis intervention services shall be provided until or unless determined during the 21 days of temporary placement that the needs of the youth require that other service options be utilized. Other such option include, but are not limited to:

- A) Independent living services,
- B) Referral for child welfare services,
- C) Referral to the local law enforcement agency for limited custody,
- D) Complete or partial emancipation"

Renumber Sections (3), (4), (5) and (6) to (4), (5), (6), and (7).

310.13(d)(2)(B) -- Delete the words "a ward receiving child welfare services from" and substitute "a child for whom the Department is legally responsible, as defined in 89 Ill. Adm. Code 327 (Permanency Advocacy Services)".

Section 310.13(e) -- In the second line delete the word "monthly" and substitute "quarterly", add "more frequent" immediately before "time intervals" and insert "a" before "vote".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of these amendments: Services to homeless youth have been added in order to provide for the needs of a growing population of youth who are at risk and for whom there are few services. Self-referred homeless youth under 18 years of age have been added as a mandatory population whom youth service providers must serve. Homeless youth age 18 to 21 have been added as a population who may be served at the discretion of the provider. Truant minors in need of supervision have also been added as a category for whom providers may at their discretion provide services. The requirement of weekly visits between youth and family has been eliminated. The 6-month limitation of services was deleted and agencies providing services are to meet in network panels at least quarterly or at more frequent time intervals approved by the local board or board of directors of the local service system.

16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 310

DELIVERY OF YOUTH SERVICES FUNDED BY THE DEPARTMENT OF CHILDREN
AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section
310.1 Purpose
310.2 Definitions

SUBPART B: COMPREHENSIVE, COMMUNITY BASED SERVICES TO YOUTH

Section
310.10 Introduction
310.11 Youth Service Goals
310.12 Eligibility for Comprehensive, Community Based Youth Services
310.13 Youth Services
310.14 Access to Youth Services
310.15 Client Service Plan
310.16 Timeframes and Termination of Services

AUTHORITY: Implementing and authorized by Sections 5, 17, 17a-1 through 17a-9 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1987, Ch. 23, pars. 5005, 5017 through 5017a-9) and Article III of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1987, ch. 37, pars. 803-1 et seq.).

SOURCE: Adopted and codified at 8 Ill. Reg. 13174, effective July 18, 1984; amended at 11 Ill. Reg. 10193, effective June 1, 1987; amended at 13 Ill. Reg. 7308, effective May 15, 1989.

SUBPART A: GENERAL PROVISIONS

Section 310.2 Definitions

"Adjudicated" means that the Juvenile Court has entered an order declaring that a child is neglected, abused, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Crisis intervention workers" in the context of this Part means employees of youth service providers who provide crisis intervention and family preservation and reunification services to youth and their families and attempt to remediate adolescent misbehavior.

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"Delinquent" means any minor who prior to his seventeenth birthday violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.

"Department" as used in this Part means the Department of Children and Family Services.

"Homeless youth" means persons found within the State who are under the age of 21, are not in a safe and stable living situation and cannot be reunited with their families.

"Limited custody" means that a law enforcement officer may, without a warrant, take into custody for up to six hours a minor who the last enforcement officer reasonable determines is: absent from home without consent of the minor's parent, guardian or custodian or beyond the control of his or her parent, guardian or custodian in circumstances which constitute a substantial or immediate danger to the minor's physical safety.

During this limited custody, the officer shall attempt to return the child home. If these attempts are unsuccessful, the officer arranges for crisis intervention services by contacting an appropriate youth service agency or where appropriate, transporting the minor to a mental health or development disabilities facility for screening for voluntary or involuntary admission criteria under Article V of Chapter 3 Section 3-586--et seq. of the Illinois Mental Health and Developmental Disabilities Code. (Ill. Rev. Stat. 1983, ch. 91 1/2, pars. 3-500 et seq.).

"Minor Requiring Authoritative Intervention" means any minor under eighteen years of age who is: absent from home without consent of parent, guardian or custodian, or beyond the control of his or her parent, guardian, or custodian; in circumstances which constitute a substantial or immediate danger to the minor's physical safety; after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

"Minor Requiring Authoritative Intervention" means

any minor under eighteen years of age

who is:

absent from home without consent of parent, guardian or custodian, or beyond the control of his or her parent, guardian, or custodian; in circumstances which constitute a substantial or immediate danger to the minor's physical safety;

after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

Any minor taken into limited custody for the reasons specified in this Section may not be adjudicated a minor requiring

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authoritative intervention until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in this Section, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision of this Section, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated a minor requiring authoritative intervention until 21 days have passed since being taken into limited custody.

"Placement Prevention Services" are services delivered to the youth and/or family to help the youth and his/her parents resolve and cope with family problems and disruptive behaviors in order to preserve the youth in his/her family home. Placement prevention services may include crisis intervention services, family reunification counseling, individual counseling and advocacy.

"Temporary Living Arrangement" means the placement of a youth who has been in limited custody into a licensed foster home, shelter, with a relative or in a placement mutually agreed upon by the parent(s) and child.

"Truant minor in need of supervision" as defined in Section 3-33 of the Juvenile Court Act (as amended by P.A. 85-1235, effective August 30, 1988) means those reported by regional superintendents of schools, in counties of less than 2,000,000 inhabitants, as chronic truants in whom prevention, diagnostic, intervention and remedial services, and alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused. Chronic truant has the definition ascribed to it in Section 26-2a of The School Code. (Ill. Rev. Stat. 1987, ch. 122, par. 26-2a)

"Youth" in the context of this Part means a minor under twenty-one years of age who is eligible as defined in Section 310.12 of this Part for the services delivered in this Part.

"Youth Services" include, but are not limited to, community services, primary prevention, outreach and recreational opportunities, including

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the use of indigenous community volunteers to provide programs designed to correct conditions contributing to delinquency; diversion services, including client advocacy, family counseling, employment and educational assistance and service brokerage; and emergency services, including 24-hour crisis intervention and shelter care; comprehensive independent living services, including outreach, referral for public assistance or other benefits to which homeless youth may be entitled, emergency shelter care homes, transitional support programs in a residential setting, outward bound experiences, and transitional independent living skills support, in a non-residential facility, with special emphasis on youth employment and training opportunities; initiatives to remove juveniles from adult jails and status offenders from secure detention; and specialized diversion and community corrections programs for juvenile delinquents.

"Youth Service Coordinators" are employees of the Department's Division of Youth and Community Services assigned to develop, monitor and coordinate the youth services funded by the Department in each Region.

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

SUBPART B: COMPREHENSIVE, COMMUNITY BASED SERVICES TO YOUTH

Section 310.12 Eligibility for Comprehensive, Community Based Youth Services

a) Department funded youth services must be provided to the following categories of youth:

1) Youth who have been taken into limited custody by the police as potential minors requiring authoritative intervention (MRAL's) for one of the following reasons:

A) absence from home without parental consent; or
B) beyond the control of parents in circumstances which constitute a substantial or immediate danger to the youth's physical safety.

2) youth absent from home without parental consent or beyond the control of parents in circumstances which constitute a substantial or immediate danger to the youth's physical safety who are referred by Department of Children and Family Services field offices, Department child protective teams or the State Central Register, including youth whose parents refuse to take custody.

3) self-referred homeless youth under 18 years of age, including youth who are absent from home without parental consent or beyond the control of parents in circumstances which constitute a substantial or immediate danger (e.g., sexual exploitation, involvement with criminal activity) to the youth's safety.

4) MRAL or behavior problem wards of the Department for whom family

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reunification is the permanency goal and for whom termination of custody or guardianship is possible.

- 4) Multi-problem youth referred for in-home services by the Governor's Youth Service Initiative.

b) Department funded youth services may be provided at the discretion of the local board or local service system to the following categories of youth:

- 1) youth adjudicated MRAI, including youth adjudicated MRAI and in violation of a court order;
- 2) delinquents at risk of court petition, adjudication or commitment to the Department of Corrections;
- 3) ~~runaways-and-other-than-those-in-limited-custody-and~~ other youth exhibiting ~~status-offender-and-other~~ behavior problems;
- 4) youth in need of prevention and youth development opportunities;
- 5) adjudicated non-violent delinquents who will be committed to the Department of Corrections if services are not provided who qualify, as part of their individual treatment plan, for services provided by the local board or local services system. Services to these youth are mandatory where the Unified Delinquency Intervention Services (UDIS) Program exists; otherwise services are optional;
- 6) homeless youth under 21 18 through 20 years of age in need of shelter and independent living services.
- 7) truant minors in need of supervision referred by regional school superintendents (not applicable in Cook County).

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

Section 310.13 Youth Services

a) The needs of youth defined in Section 310.12 are met through a variety of programs which offer a mix of services depending on the needs of the youth.

- 1) The services which must be available include:

- A) crisis intervention services;
- B) family preservation/reunification services;
- C) temporary living arrangement services;
- D) networking.

2) The services which may be available by direct provision or through referral include:

- A) counseling services, including individual, family and group counseling;
- B) advocacy services;
- C) employment and education assistance;
- D) access to and coordination with polydrug/alcohol programs;
- E) service brokerage; and
- F) interaction with youth by volunteers indigenous to the community.

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G) shelter and independent living services to homeless youth age 18 through 20.

b) Crisis Intervention Services

Crisis intervention services shall be provided to self-referred youth as defined in Section 310.12(a)(3) and youth referred by law enforcement officers when the youth have been taken into limited custody by law enforcement officers and cannot be safely released by the referring officer to their parent, guardian or custodian. Crisis intervention services shall be available on a 24-hour basis.

1) When accepting a referral of a youth, providers under contract for crisis intervention services shall verify that the youth is one described in Sections 703-113-4 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 19857, ch. 37, par. 703-113-4).

2) The crisis intervention provider, upon receipt of a referral of a minor who has been in limited custody must:

- A) immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody and promptly explain these facts and circumstances to the minor;
- B) make a reasonable effort to inform the minor's parents, guardian or custodian of the facts that the minor has been taken into limited custody and where the minor is being kept;
- C) if the minor consents, make a reasonable effort to transport, arrange for the transportation of, or otherwise release the minor to the parent, guardian or custodian. Upon release of the child who is believed to need or benefit from medical, psychological, psychiatric or social services, the agency may inform the minor and the person to whom the minor is released of the nature and location of appropriate services and shall, if requested, assist in establishing contact between the family and other agencies providing such services.

D) if the provider is unable by all reasonable efforts to contact a parent, guardian or custodian, or if the person contacted lives at an unreasonable distance, or if the minor refuses to be taken to his or her home or other appropriate residence, or if the provider is otherwise unable despite all reasonable efforts to make arrangements for the safe return of the minor, the minor may be taken to a temporary living arrangement.

3) For homeless youth under 18 years of age who are self-referred, crisis intervention services shall be provided until or unless determined during the 21 days of temporary placement that the needs of the youth require that other service options be utilized. Other services options include, but are not limited to:

- A) Independent living services;
- B) Referral for child welfare services;
- C) Referral to the local law enforcement agency for limited custody.

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- D) Complete or partial emancipation.
- 43) Crisis intervention providers must also provide family preservation services prior to placement. This must be documented in the client service plan. Compliance with subsections (b)(2) (A), (B) and (C) shall be documented in the client service plan.
- 54) All crisis intervention workers will respond to crisis intervention referrals by arriving on site within ninety (90) minutes in rural areas and sixty (60) minutes in urban and suburban areas unless alternative time frames are negotiated with appropriate law enforcement officials and approved by vote of the recognized local board or board of directors of the local service system.
- 65) Crisis intervention services will include emergency intake procedures described in subsections (b)(2) through (4) above. Emergency intake will be done on a 24-hour per day, no-decline basis for all youth who meet the criteria, referred by law enforcement, court personnel or Department staff. Ideally, initial intervention will result in the youth's returning home with the parent(s) or placement in a temporary living arrangement agreed upon by the youth, parent(s) and the provider. If it is impossible for the youth to return home, the youth will be placed in a licensed child care facility, with a relative or in a mutual consent placement. Placement will be done using the placement procedures described below in subsection (d).
- 76) Other requirements of crisis intervention services shall include the following:
- A) The provider shall accompany youth and parents to all court appearances and appointments with court personnel.
 - B) Services will include family reunification counseling.
 - C) Services will include individual counseling.
 - D) The provider will cooperate with other agencies providing services to the youth and/or family.
 - E) Services shall include crisis intervention services, outreach visit to the family and visits between the youth and the parent(s). In every case a plan for family visitation will be developed for all youth. In addition to individual contacts, the following may be delivered: assisting the youth and family in locating and using community resources that alleviate the youth's and the family's problem and reinforce the strengths, and accompanying the youth and family to court screenings and hearings.
 - F) When a youth is placed in a licensed child care facility not providing its own crisis intervention services, the provider will supply crisis intervention services via face-to-face and telephone contacts with the youth and foster parents. The purpose of these contacts will be to ascertain the adjustment of the youth to the foster home, to provide

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- support to the foster parents, and to facilitate the youth's return home. The crisis intervention worker will also be expected to provide the foster parent with his/her name, telephone number, and other relevant information regarding the youth. The worker will arrange at-least-weekly visits between the parent and the youth unless infeasible due to factors such as distances or refusal to visit.
- c) Family Preservation/Reunification Services
Family preservation/reunification services are services delivered to the youth and/or family to help the youth and the youth's parents resolve and cope with family problems and disruptive behaviors in order to preserve the youth in his or her family home or to reunite the youth with his or her family. Family preservation services include crisis intervention services, individual or family counseling and advocacy.
- d) Temporary Living Arrangement Services
In the course of providing crisis intervention services, it may be necessary for a youth service agency to take a youth to a temporary living arrangement. When a temporary living arrangement is necessary, the following must be observed:
- 1) All agencies providing placement services must be licensed as child welfare agencies. See 89 Ill. Adm. Code 4017 (Licensing Standards for Child Welfare Agencies).
 - 2) Before a youth can be placed outside his or her home, the following conditions must exist:
 - A) The youth must be under the age of eighteen.
 - B) The youth must not be known to be an--active--child--welfare case--of a child for whom the Department of Children and Family Services is legally responsible, as defined in 89 Ill. Adm. Code 327 (Permanency Advocacy Services), unless an exception is granted by the youth service coordinator to simplify administration.
 - C) The youth--has-been-taken-into-limited-custody.
- It must be determined that the youth cannot be returned to his or her own home due to one of the following:
- i) At the time of the youth service agency intervention, transportation is unavailable or cannot be arranged so that the youth can be returned home immediately; or
 - ii) Parents cannot be located to effect an immediate return home; or
 - iii) Placement prevention, family preservation, crisis intervention services have been used and have failed to effect family reunification: youth refuses to return home, or parents refuse to receive the youth home; or
 - iv) The youth's safety or well-being are in danger. Moreover, if, in the assessment of the crisis intervention worker, there is reasonable cause to believe that the youth may be abused or neglected, the

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youth service agency shall immediately report suspected abuse or neglect by calling the State Central Register via its toll free number (1-800-25A-BUSE).

- 3) When placement into a temporary living arrangement as defined in Section 310.2 is determined to be appropriate the following steps must be taken:

A) Determine whether the placement facility is licensed by the Department of Children and Family Services.

B) Verify that the placement facility has a contract with the Department, a subcontract with a provider under contract with the Department or a subcontract with a local board or local service system, if payment by the Department is sought.

C) Determine that the assessed needs of the child are consistent with the services provided by the placement facility.

D) Determine whether the placement is being utilized with the written consent of the youth's parents or guardian or without it.

E) Determine whether the placement is consistent with Department placement selection rules and procedures: see 89 Ill. Adm. Code 3027 (Services Delivered by the Department), Section 302.390(e) (Placement Selection), which states that "children who need placement shall:

i) be placed in the least restrictive setting which most closely approximates a family and in which the children's needs will be met; and

ii) be placed within reasonable proximity to their homes, taking into account any special needs of the child and family and the availability of the service resources needed for the child and family; and

iii) be placed, if possible, in a home that most closely approximates the religious, and cultural background of the biological family; and

iv) be placed in the home of a relative when the child can benefit from the relationship between the parent(s), the relative and the child; and

v) be placed, if a child of American Indian heritage, according to criteria described in Department rulemaking, 89 Ill. Adm. Code 3077 (Indian Child Welfare Services)."

4) All youth service providers who place a youth will document in the client service file that the provisions and criteria contained in subsections (d)(2) and (3) above have been met.

5) Youth service providers may arrange for or provide changes in placement when requested by the youth or placement provider.

6) While temporary placement is provided for youth up to forty-eight hours excluding Saturdays, Sundays and court designated holidays,

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placement may be extended for up to twenty-one days if:

A) The parent(s) or guardian consent to continued placement; or

B) The youth service agency documents its unsuccessful efforts to contact a parent or guardian, including recording the date, time and staff involved in all telephone calls, telegrams, letters and personal contacts to obtain the consent or authority.

7) Youth placed in temporary living arrangement remain in the legal custody of the parent(s) or guardian during the temporary living arrangement period.

8) Any youth in placement must have the opportunity for at least weekly visits with his or her family unless infeasible due to factors such as distance or refusal to visit. A visitation plan will be developed for all youth.

9) Consent to medical care of youth placed in temporary living arrangements remains the right and responsibility of the youth's parent(s) or guardian. When the youth's parent(s) or guardian refuse to consent to emergency medical care or when the parent(s) or guardian cannot be contacted, a hospital or physician licensed to practice medicine in all its branches may render emergency treatment per Section 3 of "An Act in relation to the execution of--consents--by minors--to the performance of medical, dental or surgical procedures on and counseling for minors." (Ill. Rev. Stat. 1987, ch. 111, par. 4503.)

10) The youth service provider must make every attempt to assure that the youth's education is not interrupted during placement. The youth will attend the same school in which he or she was enrolled at the time of placement unless factors such as distance make this impossible or burdensome.

e) Network Panel

Agencies providing services under the proposed grant shall meet at least monthly quarterly or at more frequent time intervals which are approved by a vote of the recognized local board or board of directors of the local service system in a network panel to clarify case management and organizational responsibilities and to develop interagency case plans for multi-problem youth. This network panel will screen and, if requested by the Governor's Youth Services Initiative Coordinators, develop case plans for all Governor's Youth Service Initiative referrals and Department referrals. The Department of Children and Family Services, probation, mental health, employment and training, education and other key youth service agencies will also be requested to participate at all meetings.

f) Counseling Services

Counseling is provided to youth and families to assist them in resolving or coping with problems as well as in identifying, obtaining and using community resources and services. Problems addressed include, but are not limited to: unsatisfactory parent-child relationships; marital discord; inadequate home management, housekeeping or child care practices; parental illness, handicap,

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desertion or absence; and physical or mental handicap, or behavior of the youth which adversely affects his ability to adjust to his family, school or community.

- g) Advocacy services are provided for youth and their families to assist them in resolving personal family and social/institutional problems. Advocacy services include activity with the youth which provides emotional support, role modeling, personal and family resource development, accompanying the youth and family to appropriate court appearances and appointments with court personnel and providing or arranging for transportation for a youth.

- h) Employment and Education Assistance
Employment and education assistance is offered to youth in applying for, locating and securing employment and training for employment and in obtaining access to educational programs and achieving educational goals.

- i) Access to Polydrug/Alcohol Services
Access to polydrug and alcohol services is offered to youth experiencing problems with polydrug and alcohol abuse and to youths as a prevention means to provide information about the effects of the use and abuse of polydrugs and alcohol.

- j) Service Brokerage
Providers of youth services will ensure that linkages and referral procedures are formed with other community programs which provide needed services not available through the youth service provider's own program. Agreements should be established with drug, alcohol, mental health treatment programs and employment and training programs to assure that youth may be referred and have access to such programs.

- k) Volunteer Services
Services are provided with the use of indigenous community volunteers to provide supportive services to youth, advocate for youth and remediate the conditions in the community which inhibit youth development and foster adolescent misbehavior and family instability.

- l) Shelter and Independent Living Services
Access to shelter and independent living services are offered to homeless youth age 18 through 20 where these services are available.

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

Section 310.14 Access to Youth Services

- a) To obtain services Eligible youth as defined in Section 310.12(a) must gain access to services be referred in one of the following ways:
- 1) Through a request from a law enforcement officer for interim crisis intervention services for a youth taken into limited custody.

- 2) Through a referral from the State Central Register, Department of Children and Family Services field offices or child protection

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teams.

- 3) Through self-referral by the youth.
- 374) Through referrals from the Governor's Youth Services Initiative. To obtain services Eligible youth as defined in Section 310.142(b) may at the discretion of the local board or local service system gain access for services must be referred in one of the following ways:
 - 1) Through referrals from courts of youth who are adjudicated delinquent or a minor requiring authoritative intervention.
 - 2) Through self referrals by the youth or family.
 - 3) Through referrals from schools or other agencies.

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

Section 310.15 Client Service Plan

- a) Each youth and family served shall have a written client service plan established between the local service provider and the youth and family served.
- b) Service plans shall be completed within ten working days of the first service contact and shall be updated as the youth and family situation changes.

- c) The service plan shall include the following:

- 1) Names of youth and family served.
 - 2) Legal status of youth.
 - 3) The problems to be overcome and the needs to be met.
 - 4) Permanency goals and interim objectives.
 - 5) Services provided to resolve problems, meet needs and achieve goals and objectives.
 - 6) Justification for any placement.
 - 7) Visitation plan for any youth in placement.
 - 8) Timeframes for achieving goals and objectives.
 - 9) Documentation of compliance with the provisions of Departmental contracts.
 - 10) Social investigation interviews if court petition is necessary.
 - 11) Evaluation of progress toward meeting goals and objectives.
- d) in no case will a child and family be served for more than six months without the written approval of the client service plan by the Department through the Department's Regional Youth Service Coordinator. A service extension will be approved if issues in the case have not been resolved or further services are necessary. The Department will respond to a request for an extension of serving beyond six months within ten working days.

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

Section 310.16 Timeframes and Termination of Services

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- a) Total involvement of youth in youth services funded by the Department is time limited. No youth and/or family shall receive more than eight weeks of service without a staffing on the youth and family and written documentation of the need to continue services to achieve permanency goals. The staffing shall involve the worker and his/her supervisor. Staffings shall be documented in case records or client service plans.
- b) ~~No youth or family may receive more than six months of services without the written approval of the Department through the Departmental Youth Services Coordinator.~~
- c) Crisis intervention/placement services may be offered for a maximum of fourteen calendar days with possible extensions of seven days granted by the youth services coordinator when the efforts to reunify the family have been unsuccessful. At this time the youth service coordinator shall also ensure that a court pre-screening is held if necessary.
- d) For each youth who receives services, the youth service provider must formulate a discharge plan which contains the following:
- 1) The youth's progress during service;
 - 2) Recommendations for aftercare/followup that will ensure family preservation;
 - 3) Measures taken by the provider to ensure that all necessary aftercare and follow-up services will take place to ensure family preservation;
 - 4) If the youth cannot be returned to the parent(s) or guardian following placement, the plan must contain the reasons for failure to reunify the family, the plan for the youth's living situation and the interim objectives set that will accomplish an eventual return, if possible.

(Source: Amended at 13 Ill. Reg. 7308, effective May 15, 1989)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.50 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b5)
- 5) Effective Date of Amendments: May 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: October 21, 1988
- 9) Notice of Proposal Published in Illinois Register: November 4, 1988, 12 Ill. Reg. 17569 (Issue Date)
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Difference between proposal and final version: At the request of JCAR, the Agency agreed to make modifications in the proposed rulemaking which included stating specific statutory authority for the amendments; to amend the Source note; and to change "and/or" to either "and" or "or".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
250.70	Amendment	13 Ill. Reg. 1921
		February 17, 1989

- 15) Summary and Purpose of Amendments: The purpose of this proposal is to reduce the time for voiding of examinations and reduce the time between revisions of examinations.

16) Information and questions regarding this adopted amendment shall be directed to:

Emil G. Peterson, Deputy Director
State Universities Civil Service System
102 East Main Street, Suite 500
Urbana, Illinois 61801
(217) 333-3150

The full text of the Adopted Amendments begins on the next page:

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	Definitions
250.5	Purpose, Adoption, and Amendment of Rules
250.10	The State Universities Civil Service System and its Divisions
250.20	The Classification Plan
250.30	Military Service Preference, Veterans Preference
250.40	Examinations
250.50	Eligible Registers
250.60	Nonstatus Appointments
250.70	Status Appointments
250.80	Probationary Period
250.90	Reassignments and Transfers
250.100	Separations and Demotions
250.110	Seniority
250.120	Review Procedures
250.130	Delegation of Authority and Responsibilities
250.140	Training
250.150	Suspension of Rules
250.160	

AUTHORITY: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b1 et seq.).

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989.

Section 250.50 Examinations

- Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations.
- Eligibility to Compete in Examinations.

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- 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the System, who is not rejected or disqualified under Section-250-50 subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to such examination. For classes requiring valid licenses or certificates, an applicant must show possession of such license or certificate at, or prior to, time of taking the examination.
- 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under Section-250-50 subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications which in the opinion of the Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all such applicants who pass the examination shall be placed on the appropriate register in order of score.
- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Director, be declared exempt from qualifying on such failed section or sections of the examination, in which case he shall become a status employee in the position in which he has been employed or in another position in the same class.
- 6) For classes requiring technical qualifications for which there is an inadequate supply of qualified applicants who are citi-

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- zens of, or residents in, the State of Illinois, out-of-state residents may be admitted to the examination. When the citizenship or residency requirement is waived, in-state candidates shall be listed on the register ahead of out-of-state candidates.
- 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
- A) For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- B) The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing and/or stenographic sections of an examination.
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant, or, after examination, the Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of AN ACT to create the State Universities Civil Service System (Ill. Rev. Stat., 1987, ch. 24 1/2, par. 38b5) the Statute and subsection Section-250-50(b), fails to pass a physical examination given to determine his physical qualifications for employment, uses intoxicating beverages to excess, uses narcotics, has been dismissed from either private or public service for a cause detrimental to his employment by an employer under the State Universities Civil Service System (System), has maintained an unsatisfactory employment record, has practiced deception or fraud in his application, examination, or material pertaining to these, or has committed an offense which in the judgment of the Director disqualifies him for employment.
- d) Character of Examinations.
 - 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and/or training.
 - 2) All examination content shall be provided by the staff of the System.
 - 3) All examination supplies and materials and all examinations are the property of the System.

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- 4) An original entry or promotional examination may be revised, with the approval of the Director, without affecting existing original entry and/or promotional registers for the class, providing such revision does not change the character and/or weighting of sections of the examination.
- 5) The character and/or weighting of sections of an original entry or promotional examination may be changed, with the approval of the Director, providing that there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument; and providing, further, that such character and/or weighting of the examination has been in use for a period of at least two-years one year; and providing, further, that 90 days advance notice of such change shall be given to all appropriate employers who shall then communicate such notice in writing to each candidate then on an original entry or promotional register by score and shall further communicate such notice in writing to any applicant who applies for an original entry or promotional examination during such 90-day 45-day period. During the 90-day 45-day period, qualified applicants (including candidates whose names are already on the register by score), at their request, will be scheduled for the examination. At the end of the 90-day 45-day period the original entry and/or promotional registers of candidates by score will be voided, and new original entry and/or promotional registers by score shall be established on the basis of the new examination.

- e) Administration of Examinations. As approved by the Director, examinations shall be scheduled and administered by the employer. Such examinations shall be conducted on an open and continuous basis, except for examinations to original entry registers at each place of employment, as requested by the employer and approved by the Director, that have a sufficient number of candidates on the register which preclude further recruitment and testing. In making a determination to reopen (or close) an examination, the Director will consider requests by the employer or other individuals based on the number of positions in the class, projected new positions, and annual turnover rate. Also, for examinations that have been closed for six months or more, the Director will review the need for continuing the approval of a closed examination. The employer shall be responsible for the security of all examination materials supplied to the employer by the System so long as they are in the employer's custody.

f) Rating of Examinations.

- 1) The Director and his staff shall use appropriate scientific techniques and procedures in rating tests and in determining

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resulting rank to the end that all competitors receive uniform and fair treatment.

- 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his score in other portions thereof. For each eliminating test and the final average in an examination, the Director shall announce the minimum acceptable rating.
 - 3) The passing score for eligibility for certification shall be determined by the Director. This score shall be the same for all examinations given for a class, but it may be changed if in his judgment such change is for the best interest of the System; and such change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
 - 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Director, elect to accept eligibility for a lower appropriate class, if his scores on all appropriate parts of the examination are sufficient to qualify him for the lower class.
 - 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- g) Notification and Review of Scores.
- 1) An applicant shall be sent a written notice of the date and results of his examination. Such notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
 - 2) All requests of applicants for review of scores shall be made to the Director.
 - h) Filing of Examination Records. All administered examinations given by the employer shall be retained by the employer for at least a period of two months after date of scoring the examination.

(Source: Amended at 13 Ill. Reg. 7324, effective May 1, 1989)

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- 1) The Heading of the Part: Least-Cost Planning for Natural Gas Utilities

- 2) Code Citation: 83 Ill. Adm. Code 535

Section Number:	Adopted Action:	Section Number:	Adopted Action:
535.10	New Section	535.305	New Section
535.15	New Section	535.310	New Section
535.100	New Section	535.320	New Section
535.110	New Section	535.330	New Section
535.115	New Section	535.340	New Section
535.120	New Section	535.350	New Section
535.200	New Section	535.360	New Section
535.205	New Section	535.400	New Section
535.210	New Section	535.410	New Section
535.220	New Section	535.500	New Section
535.300	New Section	535.510	New Section

- 4) Statutory Authority: Implementing Section 8-402 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 8-402 and 10-101).

- 5) Effective Date of Rules: May 1, 1989

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these rules contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: April 19, 1989

- 9) Notice of Proposal in Illinois Register:

June 3, 1988, 12 Ill. Reg. 9314

- 10) Has JCAR issued a Statement of Objection to these rules? No.

- 11) Differences between proposal and final version:

Section 535.15: Section added.

Section 535.115: Section added.

Section 535.120: Section added.

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- Section 535.360: Section added.

- Section 535.10(a): Statutory citation corrected.

- Section 535.10(b): Statutory citation corrected.

- Section 535.100(a): Comma added after first date.

- Section 535.100(b): "approval" replaced by "adoption."

- Section 535.110(a): Last sentence added.

- Section 535.110(b): Citation to 83 Ill. Adm. Code 200 added. Material after "date of the utility's filing" added.

- Section 535.205(a): Statutory citation updated. Subsection designation added.

- Section 535.205(b) and (c): Subsections added.

- Section 535.210: "at a minimum" deleted.

- Section 535.220: "and demonstrate its appropriateness" deleted.

- Section 535.300: "shall begin" replaced by "is the ten year period beginning"; "one" replaced by "calendar year"; "For the purpose. . .energy service" deleted.

- Section 535.305: "(adjusted. . .conditions)" added.

- Section 535.305(b): "such as. . .patterns" added.

- Section 535.305(d): "and" deleted.

- Section 535.305(e): New subsection added.

- Section 535.305(f): "and a. . .appropriateness" deleted.

- Section 535.320: "Due to. . .least-cost" deleted; "In its evaluation. . .gas industry" added.

- Section 535.320(b): "the costs. . .program" added.

- Section 535.320(c): "storage and" added.

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- Section 535.320(d) and (e): "first two years of the" deleted.
- Section 535.340: "(i.e., the rates. . .group)" added.
- Section 535.350: "long term. . .analysis" replaced by "discussion."
- Section 535.400(b)(1) through (3): Original language deleted and replaced by current language.
- Section 535.410(b)(1): Original language deleted and replaced by current language.
- Section 535.410(b)(4): Original language deleted and replaced by current language.
- Section 535.410(b)(5) and (6): New material.
- Section 535.500(f): New material.
- Section 535.510(b): "reasons" replaced by "grounds."
- Section 535.510(b)(3): "reasonably" deleted.
- Section 535.510(c): "of Sections 8-402 to 8-407 of the Act" added.
- Section 535.510(f): New material.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: Section 8-402 of The Public Utilities Act requires the Department of Energy and Natural Resources to prepare a comprehensive utility energy plan for the entire state. Section 8-402 further requires each individual subject utility to file an energy plan that is consistent with the plan developed by the Department. The adopted rules set out the requirements for the contents and

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the filing of the plans and the requirements for the exemptions from compliance and for waiver of the rules.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
(217)785-3922

The full text of Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 535
LEAST-COST PLANNING FOR NATURAL GAS UTILITIES

SUBPART A: GENERAL PURPOSE

Section
535.10
535.15

General Purpose
Definitions

SUBPART B: PROCEDURE

Section
535.100
535.110
535.115
535.120

Filing of Plans
Review of Plans
Filing of Testimony
Public Review of Plans

SUBPART C: FILING REQUIREMENTS - DEPARTMENT

Section
535.200
535.205
535.210
535.220

Filing Requirements - Department
The Recommendations of the Department
Data and Analytical Support for Recommendations
Methodology

SUBPART D: FILING REQUIREMENTS - UTILITIES

Section
535.300
535.305
535.310
535.320
535.330
535.340
535.350
535.360

Filing Requirements - Utilities
Demand Forecasts
Forecast of Supply Resources
Consistency with Statutory Objectives
Comparison to Previous Plan
Rate Design
Examination of Long-Term Operating Environment
Proprietary and Confidential Information

SUBPART E: COMMISSION REVIEW OF PLANS

Section
535.400
535.410

Statewide Plan
Utility Plans

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SUBPART F: EXEMPTIONS AND WAIVERS

Section
535.500
535.510

Small Utility Exemption
Waiver of Rules

AUTHORITY: Implementing Section 8-402 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 8-402 and 10-101).

SOURCE: Adopted at 13 Ill. Reg. 7331, effective May 1, 1989.

SUBPART A: GENERAL PURPOSE

Section 535.10 General Purpose

a) The purpose of this Part is to establish guidelines for the development, submittal, and approval of energy plans by both the Illinois Department of Energy and Natural Resources ("Department") and each gas utility in accordance with Section 8-402 of The Public Utilities Act ("the Act") (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 8-402).

b) This Part applies to each natural gas utility, as defined in Section 3-105 of the Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 3-105).

Section 535.15 Definitions

"Analysis" means a systematic and detailed study of a subject by examination of its constituent parts.

"Customer class" is a collection of customers whose utility service has similar cost characteristics.

"Demonstration" means an analysis, including illustrations or examples where appropriate, offered as proof.

"Discussion" means a description and formal examination of a subject in writing.

"Economic" means efficient in allocating and employing resources.

"Efficient" shall have the meaning given by Section 1-102 of the Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1-102).

"End-use" means those uses of natural gas including, but not limited to, space heating, water heating, cooking, and other processes provided by natural gas.

"End-use efficiency" means energy efficiency with respect to the provision of the services defined in the term "end-use."

"End-use methodologies" means those forecasting techniques in which the demand for natural gas is derived directly from the estimated demand for the services which are provided by natural gas or those formal techniques employed to evaluate the actual effect of supply or demand-side programs on natural gas use by the ultimate customers of a utility.

"Environmentally sound" has the meaning given in Section 1-102(b) of the Act for "Environmental Quality."

"Least-cost" means the lowest possible present value cost subject to the provision of adequate, efficient, reliable, and environmentally safe energy service. Service will be deemed "adequate" if it is in conformance with 83 Ill. Adm. Code 500, "Standards of Service for Gas Utilities." Service will be deemed "environmentally safe" if it is in conformance with the regulations of other regulatory bodies with environmental jurisdiction, (e.g., the Illinois Environmental Protection Agency and the United States Environmental Protection Agency).

"Major class of service" means the particular class of service - residential, commercial, or industrial.

"Penetration rate" is the percentage of the total program size or market that the customer or the end-use achieves.

"Present value cost" means the sum of costs over each year of the plan discounted to account for the time value of money.

SUBPART B: PROCEDURE

Section 535.100 Filing of Plans

a) **Statewide Plan.** On August 1, 1989, and every two years thereafter on August 1, the Department shall file with the Illinois Commerce Commission ("Commission") its comprehensive statewide plan for natural gas utilities, as specified in Section 8-402(b) of the Act and Subpart C of this Part.

b) **Utility Plans.** Within three months of Commission adoption of the first statewide natural gas plan or on August 1, 1990, whichever is the later, and every two years thereafter, every natural gas utility subject to this Part shall file with the Commission and the Department its natural gas utility plan as specified in Section 8-402 of the Act and Subpart D of this Part.

Section 535.110 Review of Plans

a) **Statewide Plan.** The Commission shall initiate a proceeding and schedule a pre-hearing conference to occur approximately 30 days after the filing date specified in Section 535.100(a). The purpose of the proceeding shall be to determine the adequacy and appropriateness of the Department's plan in meeting the requirements of the Act and this Part, and to adopt a comprehensive natural gas plan for the State. Each natural gas utility subject to this Part and the Department shall be parties to the proceeding. Other entities or individuals may petition to intervene pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200). The proceeding will be scheduled such that a Proposed Order is presented to the Commission by the Hearing Examiner no later than 8 months after the date of the Department's filing. The Commission will adopt the plan if it complies with the requirements of Section 535.400(b).

b) **Utility Plans.** For each filed utility plan, the Commission shall initiate a proceeding and schedule a pre-hearing conference (see 83 Ill. Adm. Code 200.300) to occur approximately 30 days after the filing date specified in Section 535.100(b). The purpose of the proceeding shall be to determine the adequacy and appropriateness of the utility plan in meeting the require-

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ments of the Act and this Part, and to adopt a natural gas plan for the utility. The Department shall be a party to each utility's proceeding. Other entities or individuals may petition to intervene pursuant to the Commission's Rules of Practice. The proceeding will be scheduled such that a Proposed Order is presented to the Commission by the Hearing Examiner no later than 11 months after the date of the utility's filing specified in Section 535.100(b). The Commission will adopt a utility's plan if it complies with the requirements of Section 535.410(b).

Section 535.115 Filing of Testimony

a) Department

- 1) The Department shall, on the date specified in Section 535.100(a) for the filing of its plan, file all testimony in support of its plan with the Commission. This testimony should address the appropriateness of policies recommended by the Department in light of the objectives of Sections 1-102, 8-401, and 8-402 of the Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1-102, 8-401 and 8-402), the guidelines specified in Part C of this Part, and the criteria upon which the Commission should review the Department's plan as described in Subpart E of this Part.

- 2) The Department shall also file testimony with the Commission during the course of each of the proceedings outlined in Section 535.110(b). This testimony should address, at a minimum, the following issues:

- A) The extent to which the utility's natural gas energy plan is consistent with the comprehensive natural gas utility energy plan most recently adopted by the Commission.
- B) The extent to which the utility's natural gas energy plan is consistent with the objectives of Sections 1-102, 8-401, and 8-402 of the Act.

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- C) The compliance of the utility's natural gas energy plan with the criteria for review described in Subpart E of this Part.

- b) Each utility subject to this Part shall, on the date specified in Section 535.100(b) for the filing of a natural gas energy plan, file all testimony in support of its plan with the Commission. This testimony shall address, at a minimum, the following issues:

- 1) The extent to which the utility's natural gas energy plan is consistent with the comprehensive natural gas utility energy plan most recently adopted by the Commission.
- 2) The extent to which the utility's natural gas energy plan is consistent with the objectives of Section 1-102, 8-401, and 8-402 of the Act.
- 3) Compliance of the utility's natural gas energy plan with the requirements of Subpart D of this Part.
- 4) The compliance of the utility's plan with Subpart E of this Part which shall form the basis of the Commission's review of the filed utility plan.

Section 535.120 Public Review of Plans

The Commission shall encourage public participation in the review of the plans submitted for Commission approval. In order to publicize the availability of the plans, a notice shall be circulated by the Commission to various parties including local government units, electronic and print news media, public libraries, and any other groups requesting notification.

SUBPART C: FILING REQUIREMENTS - DEPARTMENT

Section 535.200 Filing Requirements - Department

The statewide plan submitted by the Department should, at a minimum, meet the requirements of Section 535.205, 535.210, and 535.220 of this Part.

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Section 535.205 The Recommendations of the Department

- a) The statewide plan should recommend those programs and policies determined to have the greatest likelihood of resulting in the achievement of the objectives established in Sections 1-102, 8-401, and 8-402 of the Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1-102, 8-401, and 8-402).
- b) In examining programs and policies to promote the objectives of the Act and to reduce barriers to achieving those goals and objectives, the Department should consider, at a minimum, programs and policies that:
 - 1) Promote economical conservation;
 - 2) Promote the economical coordination by two or more utilities of the construction and/or operation of facilities;
 - 3) Promote economical expansion of utility systems;
- c) The Department should analyze all programs and policies identified in its plan for consistency with Sections 1-102, 8-401, and 8-402 of the Act. Where programs or policies are inconsistent with one or more of objectives of Sections 1-102, 8-401, and 8-402 of the Act, the Department should identify alternatives which are not inconsistent.

Section 535.210 Data and Analytical Support for Recommendations

The Department should prepare and analyze information in support of the recommendations contained in the statewide plan. The planning period shall begin with the calendar year immediately following the one in which the Department files its plan. This support should include the following:

- a) A discussion of peak and annual natural gas energy requirements for the state during the planning period;
- b) A review of the Department's projections of the availability of supply resources for the state;
- c) A discussion of the role of economical conservation, renewable resources and natural gas fired cogeneration on the supply and demand for natural gas; and

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- d) An identification and analysis of barriers to the achievement of objectives described in Sections 1-102, 8-401, and 8-402 of the Act.

Section 535.220 Methodology

In completing its plan, the Department should provide an explanation of the analytical methodology employed.

SUBPART D: FILING REQUIREMENTS - UTILITIES

Section 535.300 Filing Requirements - Utilities

The utility shall file its plan including testimony and exhibits that meet the requirements of the Act and this Part. The planning period is the ten year period beginning with the calendar year immediately following the calendar year in which the utility files its plan. Testimony and exhibits in support of the utility plan shall meet the requirements of Sections 535.305, 535.310, 535.320, 535.330, 535.340, and 535.350 of this Part.

Section 535.305 Demand Forecasts

Year by year, weather-adjusted (adjusted to reflect average or normal weather conditions) ten year forecasts of peak load and annual gas demand shall be provided on a total utility system basis and disaggregated by major class of service. The utility shall include a discussion of the following as part of its demand forecasts:

- a) Alternative projections for the forecast period and the degree of certainty attached to each;
- b) The input variables such as economic growth, population growth, and weather patterns and data used to prepare the forecasts;
- c) The demands for system supply gas and for end-user transportation;
- d) The forecasted impact of conservation programs sponsored by utilities and governmental bodies, improvements in energy efficiency, renewable resources, load lost to other sources, and natural gas fired cogeneration;

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- e) Estimated future conservation program penetration rates by customer class and/or end-use. Where particular subgroups of customer classes can be identified as having the greatest potential energy savings from the program, estimated penetration rates of these subgroups, including but not limited to low income residential consumers, shall be included; and
- f) The methodology used to prepare the forecasts for that particular utility.

Section 535.310 Forecast of Supply Resources

The utility shall make a forecast of supply resources for the ten year forecast period. The utility shall make its forecast on a year by year basis and discuss the degree of certainty associated with each year's results. The utility shall incorporate the following in its discussion of supply forecasts:

- a) An analysis of all supply resources that already have been contracted for the planning period, their contract maximum and minimum quantities, and expiration date;
- b) The sources of gas supply anticipated for the forecast period, including those resources identified in subsections (a) and (f);
- c) The impact of natural gas transportation on the utility's combination of supply resources;
- d) Changes in system reliability as the composition of resource supplies changes for the forecast period;
- e) The utility's decision making process, standards, and criteria employed by the utility for the purpose of making resource supply decisions and a demonstration of the appropriateness of the process, standards and criteria;
- f) The utilization of nonconventional technologies relying on renewable resources, improvements in energy efficiency, and all practical and economical energy conservation; and
- g) The flexibility the utility has included in its plan to accommodate changing conditions in its operating environment.

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Section 535.320 Consistency with Statutory Objectives

A demonstration shall be made that the proposed plan will satisfy natural gas energy service needs as the least-cost means subject to the provision of adequate, efficient, reliable, and environmentally safe energy service. In its evaluation of whether a utility's plan is least-cost, the Commission shall consider the first two-year period in addition to the entire ten-year period. The first two-year period of the plan shall be given emphasis due to its operational importance in the natural gas industry. For the purpose of this Part, "energy service" means the sale or delivery, including transportation, of natural gas and the reliance on those sources identified in Section 535.310(f). This demonstration must include discussion of the following:

- a) How the utility has determined the appropriate level of reliability to be used in its forecasts and plans, and how this determination has influenced its forecasts and plans;
- b) That the plan fully considers and utilizes all available, practical and economical conservation, nonconventional technologies relying on renewable resources, and improvements in energy efficiency as the initial sources of new supply. This demonstration shall include a discussion of any programs or plans to implement programs to promote the aforementioned goals; the costs and benefits of any programs included in the utility's plan shall be assessed on an annualized basis over the life of the program.
- c) The utility's plans to make significant physical changes to its storage and distribution system to meet the demand for system gas supply and end-user transportation. For each capital project included in these plans, an assessment of the present value of costs and benefits over the life of the project shall be made on an annualized basis;
- d) The projected cost on a present value basis of each source of supply discussed in Section 535.310(b) for the planning period; and
- e) That for the planning period, the costs calculated in subsections (c) and (d) constitute the least-cost means for providing energy services as described in Section 8-402(f) of the Act.

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Section 535.330 Comparison to Previous Plan

The utility shall provide an identification of any significant differences between the strategy in the utility's last Commission-approved plan and the strategy in the utility's proposed plan and an explanation of the factors that caused these differences.

Section 535.340 Rate Design

The utility shall provide a demonstration that rate design is consistent with the long-term cost of service for each customer class or group (i.e., the rates are based upon the costs of service attributable to each customer class or group) and how that rate design provides appropriate incentives for each customer class or group to conserve energy when it is economical to do so.

Section 535.350 Examination of Long-Term Operating Environment

The utility shall provide a discussion of its operating environment. The purpose of this is to give an indication of the utility's preparation to deal with a changing environment rather than the accuracy of a particular forecast. Included in this analysis shall be the following:

- a) An identification of scenarios based on legal, economic, regulatory, and technological situations which have a significant probability of occurrence;
- b) An analysis of the potential impact of these scenarios on the utility and its service territory; and
- c) A discussion of means by which the utility might respond to these scenarios and an evaluation of the potential impacts of the responses.

Section 535.360 Proprietary and Confidential Information

- a) If any utility asserts that any data or information used in developing its energy plan is confidential or proprietary in nature, such data or information shall be so marked by the utility. The utility shall separately file that information which is so marked as confidential or proprietary in nature from the rest of its plan and evidence.

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- b) The assertion that data or information is confidential or proprietary shall create a rebuttable presumption that such data or information is confidential or proprietary. Such presumption shall be subject to challenge in an appropriate proceeding and is not absolute without a showing that such information is and should remain confidential or proprietary. In determining whether information will be considered confidential or proprietary, the Commission will consider, but is not limited to, the likelihood that release of the information will harm a business's competitive position; the presence or absence of an agreement to keep confidential said data or information.
- c) An entity seeking disclosure of material found to be confidential or proprietary may obtain disclosure after entry of an appropriate protective order by the Commission.

SUBPART E: COMMISSION REVIEW OF PLANS

Section 535.400 Statewide Plan

- a) Adoption. Following hearings on the statewide plan filed by the Department, the Commission shall adopt the plan as filed by the Department or as modified by the Commission in the proceeding required by Section 535.110(a) of this Part.
- b) Basis for Adoption. Adoption of a statewide plan shall be based on the following:
 - 1) The plan identifies possible barriers to the delivery of energy services that are adequate, efficient, reliable, environmentally safe, and at the lowest cost to the customers of individual utilities and to the state (See definition of "least-cost" in Section 535.15).
 - 2) The plan identifies policies for ensuring the delivery of energy services that are adequate, efficient, reliable, environmentally safe, and at the lowest possible cost to the customers of individual utilities and to the state.

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- 3) That the plan takes account of the effects of uncertainty on demand, supply, and potential policies.

Section 535.410 Utility Plans

- a) Adoption. Following hearings on each utility plan filed, the Commission shall adopt a plan for each utility as filed by the utility or as modified by the Commission in the proceeding required by Section 535.110(b) of this Part.

- b) Basis for Adoption. Adoption of a plan for each utility shall be based on the following:

- 1) There is a strong likelihood that the utility plan will result in adequate, efficient, reliable, and environmentally safe energy service at the least cost to consumers (See definition of "least-cost" in Section 535.15);
- 2) Consistency with the approved statewide plan for natural gas utilities;
- 3) That the plan accounts for the effects of uncertainty with respect to demand, supply, and potential state and federal regulatory policy; and
- 4) The plan is equitable to both consumers and stockholders (see Section 1-102(d) of the Act);
- 5) The plan allows the utility to adapt to unexpected circumstances without incurring significant cost (significant costs can only be determined within the context of the record developed in a hearing based on utility specific evidence);
- 6) The utility is capable of financing all investments contemplated in the plan without impairing its financial integrity and soundness, that is, if the plan does not impede the utility's ability to maintain its operations in such a way as to provide adequate, reliable, efficient, and environmentally safe service to its customers.

Section 535.500 Small Utility Exemption

- a) Under Section 3-105 of the Act, a natural gas utility with less than 20,000 customers in Illinois may request an exemption from Section 8-402 of the Act for good cause shown. In order for the natural gas utility to be exempted from preparing or filing a plan, a petition for exemption must be filed at least 60 days prior to the date the utility plans are due. The petition for exemption shall set forth specific reasons and facts in support of the petition.

- b) Good cause for an exemption in an individual case may include, but is not limited to, any one of the following reasons:

- 1) The cost of compliance is likely to exceed the benefits of compliance;
 - 2) The utility seeking exemption has a substantial portion of its distribution system outside of Illinois and is already regulated by another State in which the utility has a greater percentage of revenues and customers than Illinois; or
 - 3) The natural gas utility is a small business within the meaning of Section 3.10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1003.10).
- c) A utility seeking a small utility exemption shall serve a copy of its petition on all parties to its last previous natural gas utility plan proceeding or, if none, on all parties to the proceeding in which this Part was adopted (Commission Docket No. 87-0261).
- d) Any exemption, if granted, remains effective unless and until repealed by the Commission.
- e) The Hearing Examiner shall issue a proposed order on the petition for exemption within 60 days after the filing of the petition by the utility.

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- f) The Commission will continuously monitor whether a small utility remains a small utility. If the utility in question gains sufficient customers so that it no longer falls within the definition of a small utility, the Commission can act to reexamine the appropriateness of that utility's exemption. In addition, the Commission may investigate whether to repeal the exemption if it appears that conditions warrant it, i.e., the benefits of a small utility filing a plan would possibly exceed the cost of preparing the plan. In such a case, the Commission will cite that utility to show cause why it should not have its exemption repealed. The Commission would also reopen the question of a utility exemption on the basis of a petition filed by another party, such as a consumer, business, or governmental intervenor, or another utility.

Section 535.510 Waiver of Rules

- a) Any natural gas utility subject to this Part may petition the Commission for waiver of any requirement of the Part. Petitions for waivers shall be filed with the Commission at least 90 days prior to the date the required information is to be filed. A petition for waiver shall be filed pursuant to 83 Ill. Adm. Code 200 and shall set forth the specific reasons in support of the request. The utility shall file all testimony in support of the petition with the petition for waiver.
- b) Good cause for a waiver of a particular requirement or requirements of this Part shall include any one of the following grounds:
- 1) The cost of compliance is likely to exceed the benefits of compliance;
 - 2) The natural gas utility serves more than Illinois, has a unified system of operation, has more customers and revenues and distribution system in another state or states, and is subject to another state's energy planning act; or
 - 3) The utility, has, keeps, or can obtain other information which would substitute for the information being waived.

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- c) In all cases, the utility seeking the waiver must demonstrate that, if the waiver is granted, its plan will meet all statutory requirements of Sections 8-402 to 8-407 of the Act. If a waiver pursuant to subsection (b)(2) is granted, the utility shall file its out-of-state plan supplemented or modified to provide sufficient Illinois data to meet the requirements of Section 8-402 of the Act and the requirements of this Part.
- d) A utility seeking a waiver shall serve a copy of its petition on all parties to its last previous natural gas utility plan proceeding or, if none, on all parties to the proceeding which established this Part (Commission Docket No. 87-0261).
- e) The Hearing Examiner shall issue a proposed order on the petition for waiver within 60 days after the filing of the petition by the utility.
- f) The Commission has the authority to investigate the continuing validity of a previously granted waiver if it appears that conditions warrant it, i.e., the grounds for the granting of the waiver may no longer be valid. In such a case, the Commission will cite that utility to show cause why it should not have its waiver rescinded. The Commission would also reopen the question of a utility's waiver on the basis of a petition filed by another party, such as a consumer, business, or governmental intervenor, or another utility.

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- 1) Heading of Part: Procedures for Issuing Loans from the Water Pollution Control Revolving Fund

- 2) Code Citation: 35 Ill. Adm. Code 365

- 3) Section Numbers: Adopted Action:

365.101	New Section
365.102	New Section
365.103	New Section
365.104	New Section
365.201	New Section
365.202	New Section
365.203	New Section
365.204	New Section
365.301	New Section
365.302	New Section
365.303	New Section
365.304	New Section
365.401	New Section
365.402	New Section
365.403	New Section
365.404	New Section
365.405	New Section
365.406	New Section
365.501	New Section
365.502	New Section
365.503	New Section
365.504	New Section
365.505	New Section
365.506	New Section
365.601	New Section
365.602	New Section
365.603	New Section
365.604	New Section
365.605	New Section
365.606	New Section
365.607	New Section
365.701	New Section
365.702	New Section
365.703	New Section
365.704	New Section
365.705	New Section
365.706	New Section
365.707	New Section

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Section Numbers:Adopted Action:

365.801	New Section
365.802	New Section
365.901	New Section
365.902	New Section
365.903	New Section
365.904	New Section
365.905	New Section
365.1001	New Section
365.1002	New Section
365.1003	New Section
365.1101	New Section
365.1102	New Section
Appendix A.	
Exhibit A	
Exhibit B	
Exhibit C	

- 4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1019.1 through 1019.8) as amended by P.A. 85-1135, effective July 28, 1988.

- 5) Effective Date of Rules: May 1, 1989

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do the adopted rules contain incorporations by reference? Yes

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No, the incorporations by reference were pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.) and thus do not require approval forms from JCAR.

- 8) Date Filed in Agency's Principal Office: May 1, 1989

- 9) Notice of Proposal Published in Illinois Register:

12 Ill. Reg. 18030 (November 14, 1988)

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Difference between proposed and final version:

- A) In response to the JCAR requests, the Agency has amended the following sections:

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1. The table of contents has been amended to include:
 "APPENDIX A EXECUTIVE ORDERS
 Exhibit A Executive Order 11625
 Exhibit B Executive Order 12138
 Exhibit C Executive Order 12549"
2. Section 365.103(a) is changed to "Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and regulations adopted under that Act (35 Ill. Adm. Code: Subtitle C) and the Clean Water Act (CWA) as amended (33 U.S.C. 1251 et seq.)."
3. In Section 365.104(c) the Executive Orders have been moved to an appendix, all of subsection c has been deleted and "d" has been renumbered to "c".
4. In Section 365.202 the statutory language has been capitalized.
5. In Section 365.204(f), "(reference Appendix A)" has been added.
6. Section 365.204(i) has been revised to, "Loan accounts related to the project construction and the dedicated source of revenue will be maintained by the loan recipient consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)".
7. In Section 365.302(a), the phrase "take all reasonable steps to" has been deleted and "shall" has been added.
8. In Section 365.303(b), the following has been added at the end of the paragraph: "Good cause to terminate a loan project would include but not be limited to:
 1) Changes in economic circumstances within the loan recipient's service area; and
 2) Information that the approved treatment technology will not perform as originally anticipated."

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9. In Section 365.403(a)(4), the phrase "in accordance with Section 365.903" has been added.
10. In Section 365.403(a)(7), the phrase "(reference Appendix A)" has been added.
11. In Section 365.403(b)(12), the phrase "in accordance with Section 365.505" has been added.
12. In Section 365.403(b)(14), the word "satisfactory" has been deleted.
13. In Section 365.403(b)(15), "A copy of the bid advertisement(s)" has been substituted for "Bid advertising documentation".
14. Based on a comment received from the Illinois Development Finance Authority during the first notice period, a new number 19 was added to Section 365.403(b)(19). Based on a subsequent comment received from JCAR concerning item 19, the phrase "acceptable to the Agency" has been deleted and the phrase "from the loan recipient's legal counsel" has been added.
15. In Section 365.501(c), the word "generally" has been deleted.
16. In Section 365.501(d), the word "adequate" has been deleted and the phrase "as set forth in subsections (b) and (c)" has been added after the word "inflow".
17. In Section 365.502(a)(2), the phrase "the satisfaction of" has been deleted and the phrase "as set forth below" has been added.
18. In Section 365.502(b), the word "should" has been deleted and the word "shall" has been added.
19. In Section 365.502(d) the word "substantial" has been deleted and the phrase "which require amendments to the facilities plan in accordance with Section 365.506" has been added. Also in this section, the following sentence has been added:
 "Substantial changes would include, but not be limited to:
 1) Changes in actual projected population; and
 2) Relocation of an industry".
20. In Section 365.502(e)(1), the phrase ", as a minimum," has been added.

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21. In Section 365.502(e)(2), the word "complete" has been substituted for "appropriate".
22. In Section 365.502(e)(4)(F), the phrase "in accordance with 365.503(c)" has been added.
23. In Section 365.503(b), the phrase "to its satisfaction" has been deleted.
24. In Section 365.503(j), the phrase "based on circumstances including, but not limited to, changes in population, State or federal law, or technology," has been added.
25. In Section 365.506, the sentence "The project must be consistent with the provisions of Section 208 and 303(e) of the CWA." has been substituted for the existing one.
26. In Section 365.601(g)(5) the word "complies" has been deleted and the phrase "is consistent" have been added. Also in this section, the phrase "principals and" has been replaced with "Standards in accordance with".
27. In Section 365.602(b)(3)(B), the phrase "which are in the best interest of the program for which financial assistance is being provided" has been deleted.
28. In Section 365.602(c)(4)(C), the phrase "including, but not limited to, the need for the proposed work and the technical solution" has been added.
29. In Section 365.602(d)(1)(A), the phrase "in accordance with accepted business practices and appropriate accounting procedures and practices" has been deleted and the phrase "consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)" has been added. Also in this section the word "proper" has been deleted from the last sentence.
30. In Section 365.602(d)(1)(C), the phrase "in accordance with" has been deleted, the word "consistent" has been added and the phrase "in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)" has been added.
31. In Section 365.602(d)(1)(G), "may" has been changed to "shall".

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32. In Section 365.602(d)(4), the phrases "such as, but not limited to, a copy of the advertisement(s) and the record of negotiation" and "(reference Appendix A)" have been added.
33. In both Section 365.602(d)(4) and (8), the phrase "(reference Appendix A)" has been added.
34. In Section 365.603(b)(1)(D), the phrases "such as, but not limited to, a copy of the advertisement(s) and the record of negotiation" and "(reference Appendix A)" have been added.
35. In Section 365.603(b)(1)(E)(ii), the phrase "in accordance with accepted professional practice and appropriate accounting procedures and practices" was deleted, the phrase "consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987) has been added" and the word "proper" has been deleted.
36. In Section 365.603(b)(1)(G), the phrase "(reference Appendix A)" has been added.
37. Section 365.603(c) has been deleted.
38. In Section 365.605(b), the phrase "shall be in accordance with this Part and" has been added.
39. In Section 365.607, the phrase "in accordance with Section 365.301" has been added and "in its discretion" has been deleted.
40. In Section 365.702(a), in both (2) and (5), the word "substantially" has been deleted.
41. In Section 365.702, the sentence "The Agency's approval of project changes is based on, but not limited to, changes that are cost effective and within the overall scope of the treatment works for which the loan was issued." has been added as a new number (b) and the old (b) has been renumbered to (c).
42. In Section 365.703, the phrase "and will provide and maintain competent and adequate" has been deleted and the phrase "by providing" has been added.
43. In Section 365.801(b), the word "proper" has been deleted.
44. In Section 365.802(a), the phrase "in accordance" has been deleted, the word "consistent" has been added, the words

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"government" and "principals and" have been deleted and the phrase "standards in accordance" has been added.

45. In Section 365.903, the following has been added as a new (b) and (b) and (c) have been renumbered accordingly.

"To demonstrate financial, managerial and institutional capability, the applicant shall, at a minimum, show that it:

- 1) Is empowered under State law to own, operate and maintain a public sewage treatment facility;
- 2) Has the necessary easements, titles, permits and intergovernmental agreements for implementation, as identified in the facilities plan; and
- 3) Has or will have the necessary qualified personnel to operate and maintain the facility."

46. In Section 365.904(e), the following sentence was added, "The Agency's approval will be based on, but not limited to, ensuring that the revised dedicated source of revenue is legal, generates sufficient revenue and otherwise is in accordance with this Part."

47. In Section 1001(a)(9), the word "reasonable" has been deleted.

48. In Section 1001(c), the phrase "1) Land acquisition" and, a number "2)" have been added and "e)" has been changed to "d)".

49. In Section 1003(h), the word "unauthorized" has been deleted, and the phrase "in variance with this Part" has been added.

B. In response to the comments received by USEPA, the following changes have been made to the Rules:

1. In the Authority citation, the effective date has been changed from "July 28, 1988" to "September 1, 1988".
2. In Section 365.101(b), the effective date has been changed from "July 28, 1988" to "September 1, 1988".
3. The existing definition for cost-effectiveness has been deleted and a new definition has been added.

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4. In the definition of "Fund", the effective date has been changed from "July 28, 1988" to "September 1, 1988".

5. In the definition of "Initiation of Operation", "begins" has been changed to "began".

6. The definition of "Market Interest Rate", has been modified, reference E.2. below.

7. In Section 365.103(b)(a), definition for "User Charge" has been added.

8. In Section 365.104(a)(2), the phrase "(California State University, Sacramento)" has been added.

9. In Section 365.104(a)(3), the phrase "(California State University, Sacramento)" has been added.

10. In Section 365.104(b)(4), the phrase ", as amended" has been added.

11. In Section 365.203(b)(5), the spelling of "requirements" has been corrected.

12. In Section 365.203(b), a new "g" has been added and subsequent subsections renumbered.

13. In Section 365.204, a new subsection "g" has been added and the existing subsections "g", "h", and "i" have been relettered accordingly.

14. In Section 365.402(e), the phrase "does not meet the schedule contained in the pre-application" has been added and the phrase "are not likely to utilize the available funding in a timely manner" has been deleted.

15. In Section 365.403(a)(1), the word "proposed" has been added.

16. In Section 365.403(a)(2), the words "inventory of" and "impacts" were added and the word "assessment" has been deleted.

17. In Section 365.403(a)(4), "Statement" has been changed to "Demonstration".

18. In Section 365.403(a), a new number 5 has been added and subsequent items have been renumbered accordingly.

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19. In Section 365.403(a)(6), "Statement" has been changed to "Certification".
20. In Section 365.403(a), subsection 7 has been replaced with a new subsection 7.
21. In Section 365.403(b)(11), the phrase "and certification that the services of anyone that has been debarred or suspended will not be used" has been added.
22. In Section 365.403(b)(12), the phrase "at the time that the facilities plan is approved" has been deleted.
23. In Section 365.403(b)(13), the phrase "as amended" has been added.
24. In Section 365.404(b)(4), the phrase "before the issuance of the loan agreement, and the loan is offered" has been added.
25. In Section 365.405(a)(2), the phrase "where the local obligations were incurred and where construction was initiated after March 7, 1985" has been added and the phrase "incurred after March 7, 1985" has been deleted.
26. In Section 365.405(b), the phrase "construction obligations" and the word "award" have been deleted and the phrases "allowable construction costs", "the award of the" and "which is related to those costs" have been added.
27. In Section 365.501(d), the phrase "and federal" has been deleted.
28. In Section 365.502(a)(2), The period has been deleted and a comma has been added after the word "alternatives", "It" has been changed to "it" and the word "most" has been deleted.
29. In Section 365.502(c), all of (c) has been revised.
30. In Section 365.502(e)(4)(B), "alternative" has been made plural and the phrase "including those" has been deleted and inserted after the word "alternatives".
31. In Section 365.502(e)(4)(F), the word "project" has been changed to "alternatives", the phrase "or will be" has been added and the phrase "from the proposed project" has been deleted.
32. In Section 365.502(e)(7), the phrase "A statement demonstrating that" has been deleted and the phrase "The loan applicant shall demonstrate that" has been added.

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33. In Section 365.503(f), "15" has been changed to "21".
34. In Section 365.503(j), a new "j" has been added and the original "j" has been relettered as "k".
35. In Section 365.505(a), the phrase "at the time the facilities plan is approved" has been deleted.
36. In Section 365.506, "Section" has been made plural and the phrase "and 303(e)" has been added.
37. In Section 365.601(b), "their" has been changed to "its".
38. In Section 365.602(c)(1), "his" has been changed to "its".
39. In Section 365.602(c)(4), the phrase "and approval" has been added.
40. In Section 365.602(d)(3), the phrase "loan recipient certifies that prevailing wages will be used" has been deleted and the phrase "contractor shall pay prevailing wages" has been added.
41. In Section 365.602(d), a new subsection "5" has been added.
42. In Section 365.602(e)(1), the word "federal" has been added.
43. In Section 365.602(e), a new number "4" has been added.
44. In Section 365.603(b)(1), a new letter "G" has been added.
45. In Section 365.604(a), "this" has been changed to "the" in the fourth line.
46. In Section 365.607, the word "shall" has been added, "warrants" has been changed to "warrant" and "this" has been changed to "the".
47. In the heading for Subpart G, the word "CONSTRUCTION" has been added and the table of contents changed accordingly.
48. In Section 365.701, "Project" has been changed to "Construction" and the table of contents changed accordingly.
49. In Section 365.702(b)(1), the phrase "loan participation for" has been added.
50. In Section 365.706, the phrase "in writing within 30 days" has been added.

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51. In Section 365.707(b), the phrase "by a target date agreed upon between the loan recipient and the Agency" has been deleted, "within one year after initiation of operation" has been added and the phrase "by the agreed upon date" has been deleted.
 52. In Section 365.801(c), the phrase "is required" has been added.
 53. In Section 365.902(b)(4), the phrase "in addition to any debt service costs which may have been included as part of the user charge system" has been deleted.
 54. Section 365.902(b)(6) has been deleted.
 55. In Section 365.903(a), the phrase "to be" has been added.
 56. Section 365.903(b) has been modified to provide a complete listing of financial requirements.
 57. In Section 365.1001(b), the phrase "not necessary for the construction" has been deleted and the word "Some" and the phrase "directly or indirectly related to construction" has been added.
 58. In Section 365.1003(a)(1), the phrase "Appropriation of federal funds by the U.S. Congress and" has been deleted.
- C. In response to the comments received by the Illinois Development Finance Authority, the following changes have been made to the Rules:
1. The definition of "Market Rate" has been modified.
 2. In Sections 365.204(i), 365.601(g)(5), and 365.802(a) the word "principles" has been changed to "standards".
 3. In Section 365.403(b), a new number 19 has been added.
- D. In response to the comments received by the financial consulting firm of Sidley and Austin, the following changes have been made to the Rules:
1. In Section 365.103, the definition of "Binding Commitment" has been modified.
 2. In Section 365.103, in the definition of "CMA" the phrase "as amended" has been added.

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3. In Section 365.103, the existing definition of "Dedicated Source of Revenue" has been deleted and a new definition has been added.
4. In Section 365.103, the word "recipient" has been changed in the definition of "Loan Commitment Letter" to "applicant" and the phrase "execution of the" has been added.
5. In Section 365.103, the phrase "between the Agency and the USEPA" in the definition of "Operating Agreement" has been moved and re-inserted after the word "agreement".
6. In Section 365.103, a new definition of "Project" has been added.
7. In Section 365.203(b)(2), the phrase "into the Fund" has been added.
8. In Section 365.203(b)(4), the phrase "by the Agency" has been added, the word "of" has been changed to "after" and the word "the" has been changed to "each".
9. In Section 365.203(b)(8), the word "Loan" has been added and "Repayment" has been changed to "repayment".
10. In Section 365.204(e), the phrase "sufficient to pay principal and interest when due" has been added and the word "enforced" has been changed to "pledged".
11. In Section 365.301(a), the phrase "or by the loan agreement" has been added.
12. In Section 365.301(a)(2), the phrase "Annul the loan" has been deleted and the phrase "Declare all amounts under the loan immediately due and payable, enforce any security," has been added.
13. In Section 365.302(c), the word "this" has been changed to "the" and the word "procedure" has been made plural.
14. In Section 365.303(a), the words "lack of" have been deleted, the words "to provide" have been added and the word "this" has been changed to "the".
15. In Section 365.303(b), the word "annulled" has been deleted and the phrases "declared in default" and "together with interest thereon," have been added.
16. In Section 365.304(a), the word "these" has been changed to "the" and the word "offer" has been deleted in both places found in the section.

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17. In Section 365.402(b), the phrases, "during any federal fiscal year commencing October 1," and "the preceding" have been added.
18. In Section 365.402(d), the phrase "commencing October 1" has been added.
19. In Section 365.403(a)(3), the phrases "from the loan applicant" and "from other resources" have been added.
20. In Section 365.403(a)(4), the word "recipient" has been changed to "applicant".
21. In Section 365.403(a)(8), the phrases "or ordinance" and "of the loan applicant" have been added.
22. In Section 365.403(b), the phrase "of the loan applicant" has been added.
23. In Section 403(b)(5), the phrase "Enactment of" has been added and "An" has been changed to "an".
24. In Section 365.403(b), new numbers 18 and 19 have been added.
25. In Section 365.502(c), the words "ordinances or" have been added.
26. In Section 365.607, the word "this" has been changed to "the".
27. In Section 365.902(a), the phrase "execution of the" has been added.
28. In Section 365.904(a), the word "designated" has been deleted and the phrase "dedicated and pledged" has been added in two separate places.
29. In Section 365.904(b), the words "and pledge" have been added.
30. In Section 365.904(c), the phrase "maintained by a bank or trust" has been added.
31. In Section 365.1002(b), the word "offer" has been deleted.
32. In Section 365.1003(d), the word "prompt" has been added and the phrase "in accordance with the Local Government Prompt Payment Act (Ill. Rev. Stat. 1987, ch. 85, pars. 5601 et. seq.)" has been deleted.
33. In Section 365.1101(a), the word "quarterly" has been changed to "semi-annually".

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- E. In response to the comments received by the financial consulting firm of Speer Financial, Inc. the following changes have been made to the Rules:
 1. In Section 365.103, the existing definition of "Dedicated Source of Revenue" has been deleted and a new definition has been added.
 2. The definition for "Market Interest Rate" has been modified by deleting "weekly" and adding "20 General Obligation" and ", as published weekly by the Bond Buyer newspaper,".
 3. In Section 365.204(e), changes that were concerning the dedicated source of revenue are discussed in D.10. above.
 4. In Section 365.204(i), the word "project" has been deleted and "related to the project construction and the dedicated source of revenue" has been added.
 5. In Section 365.301(a), the phrase "up until the final audit" has been added.
 6. In Section 365.301(a)(2), changes that were made concerning annulment are discussed in D.12. above.
 7. In Section 365.304(a), the phrase "will not reduce an applicant's ability to repay the loan to the Agency, or will not, in general, weaken the financial position of the Fund." has been added.
 8. In Section 365.403(a)(8), the word "application" has been added.
 9. In Section 365.403(b)(5), the phrase "authorized loan security and " has been added.
 10. In Section 365.403(b)(19), changes that were made concerning requirements for a legal opinion are discussed in C.3. above.
 11. In Section 365.701, the phrase "and approve" has been deleted.
 12. In Section 365.801(a), the word "project" has been deleted.
 13. In Section 365.802(c)(2), the word "project" has been deleted.
 14. In Section 365.902(b)(3), the phrase "six months" has been deleted.
 15. In Section 365.903(a), the sentence "The loan applicant shall also demonstrate the ability to meet any covenants and requirements in the loan agreement." has been added.

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16. In Section 365.904(a), a new sentence has been added at the end of the subsection.
 17. In Section 365.904(d), the phrase "timely notify and" has been added, "review and approval" has been deleted and "subsequent approval," has been added.
 18. In Section 365.904(e), "six months" has been deleted and ", debt service obligations and other requirements of the loan agreement," have been added.
 19. In Section 365.1101(a), changes that were made concerning loan repayment are discussed in D.32.
- F. In response to recommendations made by the Administrative Code Unit the Agency has made the following changes:
1. The blank space between the Part number and the Part heading has been deleted.
 2. In printing headings for Parts, Subparts, Sections, etc. for this Part, the entire first line has been used before going to the next line.
 3. In the Authority note, a comma has been added following the paragraph number in line 3 and the word "amended" has been changed to "added."
 4. The Agency has noted the change in the version published in the ILLINOIS REGISTER.
 5. In Section 365.101(b), "These rules set" has been changed to "This Part sets".
 6. In this Part, "Public Act" designations have been changed to "P.A."
 7. In Section 365.103(a), the information in the parenthesis has been changed to "(35 Ill. Adm. Code: Subtitle C)".
 8. In Section 365.103(b), the numerical designations have been deleted.
 9. In the definition of "Compliance Projects", the period in the Code citation has been changed to a colon.
 10. In the definition of "Loan Procedures", "35 Ill. Adm. Code 365" has been changed to "This Part".

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11. The headings in Sections 365.402 and 365.603, and the reference to Section 365.402 in Section 365.401(b) have all been changed to match the table of contents.
 12. In Sections 365.403(a)(6), 365.602(d)(4) and 365.603(b)(1)(D), "federal" has been added before "Executive Order".
 13. The two paragraphs of Section 365.502(a) have been numbered and restructured.
 14. In Section 365.502(d), the word "below" was deleted.
 15. The period in the Code citation has been changed to a colon in both Sections 365.502(a) and 365.502(e)(4)(C).
 16. In Section 365.602(d)(3), the short title of the Illinois Prevailing Wage Act has been deleted and the proper title was added.
 17. The double word "Section" in Section 365.604 has been corrected.
 18. In Section 365.606, "An Act" has been deleted, "Section 1 of 'AN ACT'" has been added and an end quote has been added after the word "contracts".
 19. The two paragraphs of Section 365.707 have been labeled.
 20. In Section 365.901(c), the word "below" has been deleted.
 21. In Section 365.902(d), the comma following the title of the Act in line 3 has been deleted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rule: The Agency is adopting these rules to provide low interest loan assistance for wastewater improvements to publicly owned treatment works from the Illinois Water Pollution Control Revolving Fund which was established by the Illinois General Assembly under Public Act 85-1135. These rules allow the Agency on behalf of the State of Illinois to receive federal capitalization grants and to administer a low interest revolving loan program to assist local government units with wastewater improvements pursuant to Title VI of the

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Federal Water Quality Act of 1987. Pursuant to P.A. 85-1135 an advisory committee was formed and was provide guidance in the development of these adopted rules.

16) Information and questions regarding the rule shall be directed to:

Name: James B. Park, Manager
Division of Water Pollution Control
Illinois Environmental Protection Agency
Address: 2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-1654

The full text of the Adopted Rules begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 365
PROCEDURES FOR ISSUING LOANS FROM THE WATER
POLLUTION CONTROL REVOLVING FUND

SUBPART A: INTRODUCTION

Section	Purpose
365.101	Administration
365.102	Definitions
365.103	Incorporations by Reference
365.104	

SUBPART B: FEDERAL REQUIREMENTS FOR THE FUND

Section	Involvement of USEPA in the Operation of the Fund
365.201	Uses of the Fund
365.202	Agency Responsibilities under Title VI of the CWA
365.203	Requirements for Loan Recipients under Title VI of the CWA
365.204	

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH
LOAN PROCEDURES

Section	Noncompliance with Loan Procedures
365.301	Stop-Work Order
365.302	Termination
365.303	Waiver of Procedures
365.304	

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section	Project Priority Determination
365.401	Pre-Applications for Financial Assistance and Identification of
365.402	Projects to be Funded
365.403	Financial Assistance Application and Approval
365.404	Interest Rates
365.405	Restrictions on Refinancing
365.406	Limitation on Design Cost

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SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

- Section
- 365.501 Sewer System Evaluation and Rehabilitation
 - 365.502 Loan Applicant's Responsibilities During Facilities Planning
 - 365.503 State Environmental Review
 - 365.504 Limitations on Awards for Individual Systems
 - 365.505 Value Engineering Requirements
 - 365.506 Areawide Waste Treatment Management Planning

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

- Section
- 365.601 Loan Requirements for all Subagreements
 - 365.602 Construction Contracts of Loan Recipient
 - 365.603 Contracts for Personal and Professional Services -- Consulting Engineering Agreements
 - 365.604 Compliance with Procurement Requirements for Construction Contracts
 - 365.605 Disputes
 - 365.606 Indemnity
 - 365.607 Covenant Against Contingent Fees

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

- Section
- 365.701 Construction Initiation
 - 365.702 Project Changes
 - 365.703 Construction Engineering
 - 365.704 Project Sign
 - 365.705 Operation and Maintenance of the Project
 - 365.706 Final Inspection
 - 365.707 Project Performance Certification

SUBPART H: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING AND RECORDS

- Section
- 365.801 Access
 - 365.802 Audit and Records

SUBPART I: REQUIREMENTS FOR SEWER USE ORDINANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

- Section
- 365.901 Sewer Use Ordinance
 - 365.902 User Charges
 - 365.903 Financial Capability

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- 365.904 Dedicated Source of Revenue
- 365.905 Floodplain Insurance

SUBPART J: REQUIREMENTS APPLICABLE TO DISBURSEMENT OF LOANS TO RECIPIENTS

- Section
- 365.1001 Determination of Allowable Costs
 - 365.1002 Use of Loan Funds and Payment of Unallowable Costs
 - 365.1003 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

- Section
- 365.1101 Loan Repayment to the Agency
 - 365.1102 Delinquent Loan Repayments

- APPENDIX A Executive Orders
- EXHIBIT A Executive Order 11625
 - EXHIBIT B Executive Order 12138
 - EXHIBIT C Executive Order 12549

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1019.1 through 1019.8, as added by P. A. 85-1135, effective September 1, 1988).

Capitalization denotes statutory language.

SOURCE: Adopted at 13 Ill. Reg. 7351, effective May 1, 1989

SUBPART A: INTRODUCTION

Section 365.101 Purpose

- a) The Water Quality Act of 1987 (the 1987 Amendments) which amended the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) sets forth a schedule and mechanism for the transition from the federal level to the State and local level for responsibility of funding wastewater treatment facilities. Title VI of the 1987 Amendments creates a new authority that authorizes the United States Environmental Protection Agency to make grants to states to capitalize State water pollution control revolving funds. Title VI also establishes specific requirements for states for the development and operation of the State loan programs, some of which must be assumed by the local government unit as the recipient of a loan.

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- b) This Part sets forth procedures to be used by the Illinois Environmental Protection Agency to operate the Water Pollution Control Revolving Fund including the issuance of loans for construction of wastewater treatment works as authorized by P.A. 85-1135, effective September 1, 1988.

Section 365.102 Administration

The Water Pollution Control Revolving Fund will be administered by the Illinois Environmental Protection Agency as an instrumentality of the State in accordance with the capitalization agreement between the Illinois Environmental Protection Agency and the United States Environmental Protection Agency in accordance with State and federal laws.

Section 365.103 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and regulations adopted under that Act 35 Ill. Adm. Code: Subtitle C and the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.).
- b) For the purposes of this Part, the following definitions apply:

Addenda -- Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency -- Illinois Environmental Protection Agency

Alternative Technology -- Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants, or recover energy. Specifically, alternative technology includes land application of effluent and sludge; aquifer recharge; aquaculture; direct reuse (non-potable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; individual and on-site systems; and small diameter pressure and vacuum sewers and small diameter gravity sewers carrying partially or fully treated wastewater.

Best Practicable Waste Treatment Technology (BPWTT) -- The cost effective technology that is able to treat wastewater, combined

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sewer overflows and nonexcessive, infiltration and inflow in publicly owned or individual wastewater treatment works.

Binding Commitment -- A legal obligation between the Agency and a local government unit to provide financial assistance from the Fund to that local government unit, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant -- The actual federal funds received by the Agency for deposit into the Fund as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement -- The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the Fund and enable the Agency to provide assistance for construction of wastewater treatment works.

Change Order -- A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Projects -- A project which consists of construction, expansion, or upgrading of a wastewater treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA respectively.

Construction -- Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the wastewater treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of wastewater treatment works, or the inspection or supervision of any of the foregoing items.

Contract Documents -- The contract, including advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Cost-Effectiveness Analysis -- An analysis of the feasible conventional, innovative and alternative wastewater treatment works, processes and techniques capable of meeting the

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applicable effluent, water quality and public health requirements over the design life of the facility while recognizing environmental and other non-monetary considerations.

CWA -- The Clean Water Act, as amended (33 U.S.C. 1251 et. seq.).

Dedicated Source of Revenue -- The type of security and the basis of legal authorization which are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and deposited in an account restricted to the purpose of loan repayment to the fund, which is sufficient to repay the principal and interest on the loan.

Design -- All administrative, legal, and engineering tasks, subsequent to facilities plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director -- Director of the Illinois Environmental Protection Agency.

Emergency Project -- A project resulting from an unanticipated mechanical, structural or electrical failure that directly causes or threatens to cause a wastewater treatment works to operate in violation of State or federal requirements for wastewater treatment as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA.

Fund -- The Water Pollution Control Revolving Fund as authorized by P.A. 85-1135, effective September 1, 1988.

Infiltration -- Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

Inflow -- Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

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Initiation of Operation -- The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Innovative -- Those wastewater treatment processes and techniques that are developed methods which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of meeting the national goals of cost reduction, increased energy conservation or recovery, greater recycling and conservation of water resources, reclamation or reuse of effluents and resources, improved efficiency and/or reliability, the beneficial use of sludges or effluent constituents, better management of toxic materials or increased environmental benefits.

Intended Use Plan -- A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

Loan Agreement -- The contractual agreement between the Agency and the local government unit which states the terms and conditions governing the loan issued from the Fund.

Loan Applicant -- The local government unit which has applied for a loan from the Fund for construction of a wastewater treatment works.

Loan Commitment Letter -- The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures -- The Procedures For Issuing Loans From The Fund (This Part).

Loan Recipient -- The local government unit which has been provided a loan for construction of a wastewater treatment works from the Fund.

Local Government Unit -- A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment works.

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Market Interest Rate -- The mean interest rate of the 20 General Obligation Bond Buyer Index, as published weekly by the Bond Buyer newspaper, from July 1 to June 30 of the preceding fiscal year rounded to the nearest one hundredth of a percent.

Operating Agreement -- The agreement between the Agency and the USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the Fund.

Project -- The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List -- An ordered listing of projects developed in accordance with the priority system, as described in Section 365.401 (Project Priority Determination) which the Agency has determined are eligible to receive financial assistance from the Fund.

Responsible Bid -- Bid that demonstrates the apparent ability to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid -- Bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

Subagreement -- A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete the project for which a loan was provided, including contracts for personal and professional services and purchase orders.

Title II -- Title II of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title III -- Title III of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

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Title IV -- Title IV of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title VI -- Title VI of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Treatment Works -- Any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process.

Useful Life -- The estimated period during which a wastewater treatment works will be operated.

USEPA -- The United States Environmental Protection Agency.

User Charge -- A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

Section 365.104 Incorporations by Reference

a) The following publications are incorporated by reference:

1) American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)

2) Operation of Wastewater Treatment Plants, 1980, 2nd edition (three volumes) (California State University, Sacramento)

3) Operation and Maintenance of Wastewater Collection Systems, 1983, 1st edition (California State University, Sacramento)

b) The following federal statutes are incorporated by reference:

1) Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

2) Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)

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- 3) National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127)
- 4) Civil Rights Act of 1964, as amended (P.L. 88-352)
- c) This Part incorporates no future editions or amendments.

SUBPART B: FEDERAL REQUIREMENTS FOR THE FUND

Section 365.201 Involvement of USEPA in the Operation of the Fund

- a) Prior to the receipt of a capitalization grant from the USEPA, the Agency will fulfill all applicable requirements of the CMA. These requirements are further defined in Section 365.203 (Agency Responsibilities under Title VI of the CMA).
- b) USEPA's involvement in the operation of the Fund will be defined in the operating agreement.

Section 365.202 Uses of the Fund

- a) TO ACCEPT AND RETAIN FUNDS FROM GRANT AWARDS, APPROPRIATIONS AND PAYMENTS OF INTEREST AND PRINCIPAL;
- b) TO MAKE DIRECT LOANS AT OR BELOW MARKET INTEREST RATES TO ANY ELIGIBLE LOCAL GOVERNMENT UNIT TO FINANCE THE CONSTRUCTION OF WASTEWATER TREATMENT WORKS;
- c) TO MAKE DIRECT LOANS AT OR BELOW MARKET INTEREST RATES TO ANY ELIGIBLE LOCAL GOVERNMENT UNIT TO BUY OR REFINANCE DEBT OBLIGATIONS FOR TREATMENT WORKS INCURRED AFTER MARCH 7, 1985;
- d) TO GUARANTEE OR PURCHASE INSURANCE FOR LOCAL OBLIGATIONS WHERE SUCH ACTION WOULD IMPROVE CREDIT MARKET ACCESS OR REDUCE INTEREST RATES;
- e) AS A SOURCE OF REVENUE OR SECURITY FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON REVENUE OR GENERAL OBLIGATION BONDS ISSUED BY THE STATE, IF THE PROCEEDS OF SUCH BONDS WILL BE DEPOSITED IN THE FUND; AND
- f) TO FINANCE THE REASONABLE COSTS INCURRED BY THE AGENCY IN THE ADMINISTRATION OF THE FUND (Sections 19.1 through 19.8 of the Act).

Section 365.203 Agency Responsibilities under Title VI of the CMA

- a) The Fund must be established in accordance with the requirements of Title VI prior to the receipt of the capitalization grant for deposit into the Fund.
- b) The Agency will prepare an Intended Use Plan and negotiate an Operating Agreement with the USEPA which will be the basis for the

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Capitalization Grant Agreement. These documents establish the procedures, activities, and assurances for operation of the Fund including but not limited to the following:

- 1) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA under 601(b) of the CMA and will be deposited into the Fund;
- 2) A 20 percent State match will be deposited into the Fund according to an agreed upon schedule;
- 3) A listing and description of projects on the Project Priority List to be provided financial assistance, their discharge requirements under Titles III and IV of the CMA, and the terms of financial assistance;
- 4) Binding commitments for 120 percent of each quarterly federal grant payment must be made by the Agency within one year after the receipt of each payment;
- 5) Funds as a result of the Capitalization Grants must first be used to assure maintenance of progress toward compliance with the enforceable deadlines, goals and requirements of the CMA;
- 6) Wastewater treatment works constructed with funds made directly available from the Capitalization Grant must meet the appropriate Title II requirements;
- 7) Loan award and disbursement procedures to document loan applicant's compliance with Title VI requirements;
- 8) Loan repayment period cannot exceed 20 years beyond the initiation of operation date;
- 9) All repayments of loan principal and interest must be deposited into the Fund;
- 10) Annual reporting to the USEPA on the Agency's progress toward meeting its goals and objectives; and
- 11) Annual audit of the Fund in accordance with the auditing procedures of the General Accounting Office (U.S.C. Chapter 75, Title 31).

Section 365.204 Requirements for Loan Recipients under Title VI of the CMA

- a) Only local government units will be eligible for loans to construct wastewater treatment works projects.

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- b) Loan projects must be on the Project Priority List.
- c) Loan projects must meet the following requirements in the same manner as wastewater treatment works constructed with grant funds received under Title II of the CWA:
- 1) Section 201(b) of the CWA (Best Practicable Waste Treatment Technology)
 - 2) Section 201(g)(1) of the CWA (Eligible Project Categories)
 - 3) Section 201(g)(2) of the CWA (Alternative Technology)
 - 4) Section 201(g)(3) of the CWA (Excessive Infiltration/Inflow)
 - 5) Section 201(g)(5) of the CWA (Innovative/Alternative Technology)
 - 6) Section 201(g)(6) of the CWA (Recreational Use and Open Space Opportunities)
 - 7) Section 201(n)(1) of the CWA (Combined Sewer Overflow Projects)
 - 8) Section 201(o) of the CWA (Capital Financing Plans)
 - 9) Section 204(a)(1) and (2) of the CWA (Water Quality Management Plans)
 - 10) Section 204(b)(1) of the CWA (User Charge Systems and Legal Institutional, Managerial and Financial Capabilities)
 - 11) Section 204(d)(2) of the CWA (One Year Project Performance)
 - 12) Section 211 of the CWA (Collection System Restrictions)
 - 13) Section 218 of the CWA (Cost-Effective and Value Engineering Requirements)
 - 14) Section 511(c)(1) of the CWA (National Environmental Policy Act)
 - 15) Section 513 of the CWA (Davis-Bacon Labor Wage Provisions)
- d) Loan projects must be consistent with any plans developed under Sections 205(j), 208, 303(e) and 319 of the CWA.
- e) A dedicated source of revenue, sufficient to pay principal and interest when due, must be enacted and pledged by the loan recipient for repayment of the loan.

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- f) Loan projects must meet federal minority and women owned business requirements in accordance with Executive Orders 11625 and 12138 (reference Appendix A).
- g) Loan projects must meet the applicable requirements of any other federal laws and authorities.
- h) Loans will be made at or below market interest rates.
- i) Loan accounts related to the project construction and the dedicated source of revenue will be maintained by the loan recipient consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987).
- j) Loans will be fully amortized not later than 20 years after the initiation of operation date.

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH
LOAN PROCEDURES

Section 365.301 Noncompliance with Loan Procedures

- a) In the event of noncompliance with any condition or obligation imposed pursuant to the loan up until the final audit, the Director may take any necessary action as provided by law or by the loan agreement against the loan recipient including, but not limited to one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
 - 2) Declare all amounts under the loan immediately due and payable, enforce any security, and recover all loan funds;
 - 3) Terminate the loan pursuant to Section 365.303 (Termination);
 - 4) Suspend all or part of the project work pursuant to Section 365.302 (Stop-Work Order); or
 - 5) Reduce the amount of the loan by the amount of misused funds.
- b) No action shall be taken under this section without prior consultation with the loan recipient.
- c) In determining whether to take action and which action to take the Agency shall, at a minimum, consider mitigating or aggravating factors, including but not limited to, the severity of the violation(s); the number of violations by the loan recipient; whether

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the violation is a continuing one; whether the loan recipient can remedy the violation; and whether the loan recipient remains capable of complying with the approved project work.

Section 365.302 Stop-Work Order

- a) The Agency may, for any violation of this Part, by written order to the loan recipient require the loan recipient to stop all or any part of the project work for a period of not more than 30 days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which the order shall apply. Upon receipt of such an order, the loan recipient shall forthwith comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of not more than 30 days of the date of the stop-work order, or within any extension of that period to which the parties shall have agreed, the Agency shall:

- 1) Cancel the stop-work order upon resolution of the violation or cause leading to that stop-work order; or
- 2) Terminate the work covered by such as provided in Section 365.303(a).

- b) If a stop-work order issued under this condition is cancelled or the period of the order or any extension thereof expires, the loan recipient shall resume work. An adjustment may be made in the loan period, the project period, the loan amount, or any combination of these, with the loan being amended accordingly, if the loan recipient asserts a written claim for such adjustment within 30 days after the end of the period of work stoppage.

- c) No costs which are incurred by the loan recipient after the receipt of a stop-work order, or within any extension of the stop-work order period to which the Agency and the loan recipient shall have agreed, shall be allowable costs hereunder unless authorized by the Agency in writing or as otherwise authorized under the loan procedures.

Section 365.303 Termination

- a) **Loan Termination by Agency**
The Agency, by written notice and after consultation with the loan recipient, may terminate the loan, in whole or in part. Cause for termination shall include, but not be limited to, failure by the loan recipient to comply with the terms and conditions of the loan or to provide adequate funding. Upon such termination, the loan recipient shall refund any unexpended loan funds to the State of Illinois to be

deposited in the Fund, except such portion thereof as may be required by the loan recipient to make payment for materials and equipment furnished or services rendered under an enforceable contract prior to the effective date of the termination and further provided that such costs are otherwise allowable under the conditions of the loan.

- b) **Project Termination by Loan Recipient**

If the loan recipient desires to terminate a project for which the loan has been provided, it must document good cause and submit its request to the Agency. If the Agency concurs that there is good cause for the termination of all or any portion of a project for which the loan has been provided, it shall enter into a termination agreement or unilaterally terminate the loan. If the Agency finds that the loan recipient has terminated the project without good cause, the loan shall be declared in default and all loan funds previously paid to the loan recipient, together with interest thereon, shall be returned to the State of Illinois for deposit into the Fund in accordance with a schedule established by the Agency. Good cause to terminate a loan project would include, but not be limited to:

- 1) Changes in economic circumstances within the loan recipient's service area; and
- 2) Information that the approved treatment technology will not perform as originally anticipated.

Section 365.304 Waiver of Procedures

- a) Except as stated in subsection (b) below or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, with respect to any loan, by a statement made in writing to the loan applicant, either as a special condition of the loan offer or otherwise provided the purpose of the requirement waived is not considered by the Director to be necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the Fund. The waiver may be subject to such additional conditions as the Director may deem necessary.

- b) The following procedure(s) will not be waived:

- 1) Section 365.401 (Project Priority Determination)
- 2) Section 365.404 (Interest Rates)
- 3) Section 365.501 (Sewer System Evaluation and Rehabilitation)

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- 4) Section 365.502 (Loan Applicants Responsibilities During Facilities Planning)
- 5) Section 365.503 (State Environmental Review)
- 6) Section 365.504 (Limitations on Awards for Individual Systems)
- 7) Section 365.505 (Value Engineering Requirements)
- 8) Section 365.506 (Areawide Waste Treatment Management Planning)
- 9) Section 365.602(d)(3) (Wage Provisions)
- 10) Section 365.602(d)(4) (MBE/WBE Requirements)
- 11) Section 365.603(b)(1)(D) (MBE/WBE Requirements)
- 12) Section 365.705 (Operation and Maintenance of the Project)
- 13) Section 365.707 (Project Performance Certification)
- 14) Section 365.901 (Sewer Use Ordinance)
- 15) Section 365.902 (User Charges)
- 16) Section 365.904 (Dedicated Source of Revenue)

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section 365.401 Project Priority Determination

- a) Financial assistance may be provided from the Fund, only to local government units that have projects which are on the Project Priority List developed by the Agency.
- b) The Project Priority List sets forth the priority for receipt of loans for each loan applicant. Priorities are established in accordance with Agency rules 35 Ill. Adm. Code 364 (Procedures and Requirements for Determining Construction Grant Priorities for Municipal Sewage Treatment Works Needs), after the completion and submittal of a loan pre-application by the loan applicant pursuant to Section 365.402 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded).
- c) Projects on the Project Priority List will be included on the list of projects in the Intended Use Plan in priority order, provided the project is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.

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Section 365.402 Pre-Applications for Financial Assistance and Identification of Projects to be Funded

- a) The pre-application will be submitted by the loan applicant to the Agency in order to determine the relative priority of the project on the Project Priority List and shall include:
 - 1) A description of the proposed project;
 - 2) An estimated project cost;
 - 3) Documentation of the need for the proposed project; and
 - 4) A proposed schedule for construction
- b) Loan applicants for financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually on or before the preceding March 31 except as provided in subsection (c) below.
- c) Pre-applications for emergency projects may be filed at any time.
- d) By July 1 of each calendar year, the Agency shall publish a list of the projects which are proposed for funding during the next federal fiscal year commencing October 1. These projects will be included in the Intended Use Plan.
- e) After January 1 of each federal fiscal year, the Agency may substitute other projects listed on the Project Priority List for funding in lieu of the projects in the Intended Use Plan, if the latter does not meet the schedule contained in the pre-application.
- f) The Agency may substitute emergency projects in lieu of projects in the Intended Use Plan, if their priority ranking would place them higher than those listed in the current Intended Use Plan.

Section 365.403 Financial Assistance Application and Approval

- a) The following is required prior to a loan commitment letter:
 - 1) Completed loan application for financial assistance which includes a proposed disbursement schedule;
 - 2) An approved facilities plan (including an inventory of environmental impacts) in accordance with Section 365.502 (Facilities Planning);
 - 3) Agreement from the loan applicant to pay from other resources any project related costs not included in the loan;

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- 4) Demonstration that the loan applicant has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the project in accordance with Section 365.903;
 - 5) Executed inter-governmental agreement necessary for project implementation, where necessary;
 - 6) Certification that no unlawful or corrupt practice has taken place in the planning or design of the project;
 - 7) Certification that the services of anyone that has been debarred or suspended under Federal Executive Order 12549, (reference Appendix A) has not or will not be used for planning, design and construction work; and
 - 8) Resolution or ordinance authorizing a representative of the loan applicant to sign loan application documents.
- b) The following is required of the loan applicant prior to the issuance of the loan agreement:
- 1) Evidence of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646);
 - 2) Statement that the necessary project site, rights-of-way, easements and permits for construction of the project have been obtained;
 - 3) Statement of intent to comply with the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127);
 - 4) An approved sewer use ordinance and user charge system in accordance with the provisions of Sections 365.901 (Sewer Use Ordinance) and 365.902, (User Charges);
 - 5) Enactment of an authorized loan security and approved dedicated source of revenue in accordance with the provisions of Section 365.904 (Dedicated Source of Revenue);
 - 6) Construction drawings and specifications, suitable for bidding purposes;
 - 7) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of 35 Ill. Adm. Code 309.154 and 309.202; whichever may be applicable;
 - 8) Identification of project performance standards;

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- 9) Project completion schedule;
- 10) A proposed loan disbursement schedule;
- 11) An executed engineering contract for design and construction related work which includes a method of compensation, an access to records clause, a covenant against contingent fees clause, a scope of work, a time of completion, an MBE/WBE clause and certification that the services of anyone that has been debarred or suspended will not be used;
- 12) -n approved value engineering study if the estimated project costs exceed \$10 million in accordance with Section 365.505;
- 13) Compliance report [Title VI, Civil Rights Act of 1964 as amended (P.L. 88-352) and Section 13 of the CWA];
- 14) Evidence of compliance with any other applicable State and federal statutory and regulatory requirements;
- 15) A copy of the bid advertisement(s);
- 16) Any addenda issued by the loan applicant, if applicable;
- 17) Summary and recommendations as a result of the review of the bids;
- 18) Enactment of an ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency pursuant to the loan agreement; and
- 19) Delivery of a legal opinion from the loan recipient's legal counsel with respect to the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances.

Section 365.404 Interest Rates

The interest rates charged for a wastewater loan shall be a simple annual interest rate as follows:

- a) One-half of the market interest rate but not less than 2.50 percent, except as provided in subsection (b) below.
- b) 2.50 percent for compliance projects provided that:
 - 1) The loan applicant submits to the Agency within 180 days of the effective date of this Part, documentation to justify that the

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proposed project qualifies under the definition of Compliance Project as contained in Section 365.103(b)(9);

- 2) The Agency concurs with the justification submitted and agrees that the project qualifies under the definition of Compliance projects. The Agency will notify the loan applicant in writing of its decision;
- 3) The loan applicant provides necessary information and loan applications pursuant to Sections 365.402, 365.403(a) and 365.403(b) in a manner consistent with the Agency's management of the annual Intended Use Plan and Project Priority List; and
- 4) The compliance project is included in an enforceable schedule (judicial order, Illinois Pollution Control Board Order or permit compliance schedule pursuant to 35 Ill. Adm. Code: Subtitle C) before the issuance of the loan agreement and the loan is offered prior to June 30, 1992.

Section 365.405 Restrictions on Refinancing

- a) No project cost incurred prior to the execution of the loan agreement shall be eligible for loan assistance except:
 - 1) Design costs as set forth in Section 365.406 (Limitation on Design Cost); and
 - 2) Compliance project costs where the local obligations were incurred and where construction was initiated after March 7, 1985.
- b) Any allowable construction costs incurred more than 90 days after the effective date of this Part must receive Agency approval prior to the award of the construction contract which is related to those costs.

Section 365.405 Limitation on Design Cost

Allowable costs for design of the loan project will be limited to the actual cost incurred for design up to a maximum percentage of the as bid construction cost.

- a) For less than \$500,000 the design will be funded up to 15 percent of the as bid construction cost.
- b) From \$500,001 to \$2,000,000, the design will be funded up to 12 percent of the as bid construction cost.

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- c) From \$2,000,001 to \$5,000,000, the design will be funded up to 10 percent of the as bid construction cost.
- d) From \$5,000,001 to \$10,000,000, the design will be funded up to 8 percent of the as bid construction cost.
- e) For greater than \$10,000,000, the design will be funded up to 7 percent of the as bid construction cost.

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section 365.501 Sewer System Evaluation and Rehabilitation

- a) Loan applicants for construction or expansion of wastewater treatment works must demonstrate to the satisfaction of the Agency that each sewer collection system discharging into the wastewater treatment works project for which the loan offer is made is not or will not be subject to excessive infiltration/inflow.
- b) The final determination whether excessive infiltration/inflow exists will consider:
 - 1) the impacts of infiltration/inflow on the performance of the proposed wastewater treatment works;
 - 2) the life cycle cost-effectiveness of infiltration/inflow reduction versus transport and treatment (including the cost of substantial wastewater treatment works construction delay);
 - 3) effectiveness of rehabilitation technology;
 - 4) public health emergencies; and
 - 5) other relevant economic or environmental factors.
- c) The determination whether or not excessive infiltration/inflow exists will be accomplished by an infiltration/inflow analysis prepared as an element of the facilities plan. Where infiltration/inflow is found to be excessive and reduction through sewer system rehabilitation is necessary, a sewer system evaluation survey shall also be conducted as part of the facilities planning to identify and justify the cost-effective scope of rehabilitation work.
- d) The selected construction project resulting from facilities planning shall provide a program for elimination of excessive infiltration/inflow or treatment of non-excessive infiltration/inflow as set forth in subsection (b) and (c) to the levels required under State regulations.

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Section 365.502 Loan Applicant's Responsibilities During Facilities Planning

- a) The loan applicant shall:
- 1) undertake and complete facilities planning, which shall consist of plans and studies which are directly related to the construction of wastewater treatment works, to maintain compliance with State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA.
 - 2) demonstrate to the Agency through such plans and studies the need for the facilities for which loan assistance is being requested and, by a systematic evaluation of feasible alternatives, it shall also demonstrate that the proposed facilities represent the cost-effective means of meeting applicable effluent limitations and water quality standards and goals, recognizing environmental and social conditions as set forth below.
 - b) If the information required to be furnished as part of a facilities plan has been developed separately, it shall be furnished and incorporated by reference in the facilities plan. Planning previously or collaterally accomplished under local, State or federal programs will be utilized (not duplicated).
 - c) The facilities plan submitted for approval shall include ordinances or a resolution from the loan applicant endorsing the facilities plan. Where applicable, the applicant shall also submit draft inter-governmental agreements and demonstrations of legal authority necessary for plan implementation.
 - d) The facilities plan may include more than one construction project and provide the basis for several subsequent construction projects. A facilities plan which has served as the basis for providing a loan for a construction project shall be reviewed prior to providing any loan for a subsequent project involving construction to determine if changes have occurred which require amendments to the facilities plan in accordance with Section 365.506. If, in the judgement of the Agency, substantial changes have occurred which warrant revision or amendment, the plan shall be revised or amended and submitted for review in the same manner specified in Section 365.503 (a) and (b). Substantial changes would include, but not be limited to:
 - 1) Changes in actual or projected population; and
 - 2) Relocation of an industry.

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- e) Facilities planning shall, as a minimum, be in accordance with the following requirements. Such facilities plan shall include:
- 1) A description of the wastewater treatment works for which construction drawings and specifications are to be prepared. This description shall, as a minimum, include preliminary engineering data, cost estimates for design and construction of the wastewater treatment works and a schedule for completion of design and construction. The preliminary engineering data may include, to the extent appropriate, such information as a schematic flow diagram, unit processes, design data regarding detention times, flow rates, sizing of units, etc.
 - 2) A complete description of the selected complete waste treatment system(s) of which the proposed wastewater treatment works is a part.
 - 3) Infiltration/Inflow documentation in accordance with Section 365.501 (Sewer System Evaluation and Rehabilitation). The loan applicant must document in facilities planning that the sewer system discharging into the wastewater treatment works is not subject to excessive infiltration/inflow or provide a sewer system evaluation survey along with the cost-effective scope of proposed rehabilitation work, for any project involving construction of additional wastewater treatment works capacity.
 - 4) A cost-effectiveness analysis of appropriate alternatives for the wastewater treatment works to assure that the project proposed constitutes BPWT. The selection of the wastewater treatment works on which construction drawings and specifications are to be based shall reflect the cost-effectiveness analysis. This analysis shall include when appropriate:
 - A) The relationship of the nature, size and capacity of the wastewater treatment works to the needs to be served, including reserve capacity;
 - B) An evaluation of alternatives including those technologies and techniques for beneficial recycling and reuse of wastewaters where appropriate;
 - C) An evaluation of the capability of each alternative to meet applicable effluent limitations. The wastewater treatment works design must be based upon meeting effluent limitations and maintaining compliance with State or federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA;

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- D) An evaluation of the alternative means by which ultimate disposal can be effected for treated wastewater and for sludge materials resulting from the treatment process;
- E) An evaluation of water reclamation, water recycling, recreational opportunities and open space opportunities; and
- F) An inventory of environmental impacts of the alternatives within the planning area in accordance with 365.503(c) and discussion as to what measures are being or will be taken during planning, design and construction to avoid or mitigate potential negative environmental impacts.
- 5) An identification of effluent discharge limitations or a copy of the permit for the proposed wastewater treatment works as required by Title IV of the CWA.
- 6) Required comments or approvals of relevant State, interstate, regional and local agencies.
- 7) The loan applicant shall demonstrate that the authorities which will be implementing the plan have the necessary legal, financial, institutional, and managerial capability to insure the construction, operation, and maintenance of the proposed wastewater treatment works.
- 8) The scope of each wastewater treatment works project defined within the facilities plan as being required for implementation of the plan, and for which State assistance will be requested, shall define:

- A) Any necessary new wastewater treatment works construction; and
- B) Any rehabilitation work determined by the sewer system evaluation to be necessary for the elimination of excessive infiltration/inflow. However, rehabilitation which should be a part of the loan applicant's normal operation and maintenance responsibilities shall not be included within the scope of a wastewater treatment works construction project.

Section 365.503 State Environmental Review

- a) Prior to making a final determination on the acceptability of a facilities plan, the Agency will conduct a review of the environmental impacts of the proposed project and shall prepare for public comment a written Preliminary Environmental Impacts

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Determination. Interested members of the public will be given adequate opportunity to comment both on the facilities plan and the Agency's environmental review. After receiving and assessing public comment, the Agency shall take a final action to approve or disapprove the planning. This determination shall be issued in writing to the loan applicant and interested members of the public.

- b) The Agency shall not undertake its environmental review until it has determined that the facilities plan conforms to the requirements listed in Sections 365.501 (Sewer System Evaluation and Rehabilitation) and 365.502 (Loan Applicant's Responsibilities During Facilities Planning), and that based on the information available all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.

- c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic/cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction on the community.

- d) The Agency may identify certain classes of construction projects which, by their limited scope, preclude the potential for negative environmental impacts. The Agency may categorically exclude these projects from environmental review by providing written public notice and soliciting public comment on each project.

- e) The Preliminary Environmental Impacts Determination shall be mailed to the loan applicant and other interested parties, inviting public comment. Within 30 days of receipt of the Agency's preliminary determination, the loan applicant will hold a public hearing on the plan and the Agency's Preliminary Environmental Impacts Determination for the purpose of obtaining public comment.

- f) The time and place of the public hearing shall be conspicuously and adequately announced. In addition, the Agency's Preliminary Environmental Impacts Determination document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the project. In no case will the public notice period be less than 21 days.

- g) The loan applicant shall provide interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials with written notice of the public hearing.

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h) The loan applicant will provide to the Agency an accurate summary of all public comments received together with any proposed amendments to the plan made in response to these comments.

i) Upon receipt of this public hearing summary and the expiration of a 15 day comment period from the day of the hearing, the Agency shall provide in writing any one of the following:

- 1) an unconditional approval of the plan (original or as amended); or
- 2) a conditional approval of the plan with special conditions for mitigation of negative environmental impacts; or
- 3) disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or
- 4) determination to prepare an Environmental Impact Statement (EIS) which the Agency may at its sole discretion prepare or have prepared by a qualified outside contractor. The Agency may reconsider approval or conditional approval of the project based on the recommendations of the EIS.

j) The Agency may reconsider its approval of the Facilities Plan at any time based on circumstances including, but not limited to, changes in population, State or Federal law, or technology, but must re-review the Facility Plan if the loan offer has not been made within 5 years after the approval of the Facilities Plan by the Agency.

k) Agency facilities planning determinations made in accordance with subsection (i) above shall be subject to the provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

Section 365.504 Limitations on Awards for Individual Systems

a) Construction involving privately owned alternative wastewater treatment works must be part of the cost-effective solution in the approved facilities plan.

b) Loan applicants must have legal authority to access all such privately owned systems at all reasonable times for such purposes as inspections, monitoring, building, operation, maintenance, rehabilitation, and replacement.

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Section 365.505 Value Engineering Requirements

Value engineering consists of an intensive, independent review of plans and specifications utilizing a specialized cost control technique to identify unnecessary high cost items in the proposed project.

- a) Value engineering is required for all projects which are estimated to cost over \$10 million for the total project construction cost.
- b) The value engineering effort must be approved prior to the issuance of the loan agreement.
- c) After each value engineering review is completed, the loan recipient must obtain a summary report and recommendations.
- d) The loan recipient must review the recommendations and either accept, modify or reject them and send a summary of proposed action along with the value engineering report to the Agency for review and approval.

Section 365.506 Areawide Waste Treatment Management Planning

The project must be consistent with the provisions of Sections 208 and 303(e) of the CWA.

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.601 Loan Requirements for all Subagreements

The following procedures shall apply to all subagreements:

- a) Local Preference
Local laws, ordinances, regulations or procedures which are designed to or operate to give local or in-state bidders or proposers preference over other bidders or proposers shall not be employed in evaluating bids or proposals for subagreements under a loan.
- b) Profits
Only fair and reasonable profits may be earned by contractors in subagreements under Agency loans. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to Section 365.602 (Construction Contracts of Loan Recipient) is presumed to be reasonable. The loan recipient shall submit its basis for determination of reasonable profit if a subagreement is not competitively bid.

- c) Loan Recipient Responsibility
The loan recipient is responsible for the administration and successful accomplishment of the project for which Agency loan

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assistance is provided. The loan recipient is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements. This includes but is not limited to issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other procurement matters. With the prior written consent of the Agency, these functions may be performed for the loan recipient by an individual or firm retained by the loan recipient for that purpose. Such an agent acts for the loan recipient and is subject to all the provisions of the loan agreement, including this Part, which apply to the loan recipient.

- d) **Privity of Contract**
Neither the Agency nor the State of Illinois shall be a party to any subagreement (including contracts or subcontracts), nor to any solicitation or request for proposals thereunder.

e) **Subagreements must:**

- 1) Be directly related to the accomplishment of the loan recipient's approved work program;
- 2) Be in the form of an executed written agreement (except for small purchases of \$25,000 or less);
- 3) Be for monetary or in-kind consideration; and
- 4) Not be in the nature of a grant or gift.

f) **Documentation**

- 1) Procurement records and files for purchases in excess of \$25,000 shall include the following:
 - A) Basis for contractor selection;
 - B) Justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and
 - C) Basis for award cost or price.
- 2) Procurement documentation as described in Section 365.601(F)(1) above shall be retained by the loan recipient or contractor(s) of the loan recipient for the period of time required by Section 365.802 (Audit and Records) of this Part.

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- g) No subagreement shall be awarded to any person or organization which does not:

- 1) Have adequate financial resources for performance;
- 2) Have the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain these requirements;
- 3) Have the staffing sufficient to comply with the proposed or required completion schedule for the project;
- 4) Have a satisfactory record of integrity, judgment and performance;
- 5) Have an adequate financial management system and audit procedure which is consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987);
- 6) Maintain a standard of procurement in accordance with this Part;
- 7) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
- 8) Conform to the civil rights, equal employment opportunity and labor law requirements of this Part.

h) **Fraud and other unlawful or corrupt practices**

- 1) The providing and administration of loans by the State of Illinois, and of subagreements awarded by loan recipients under those loans, must be accomplished free from bribery, graft, kickbacks, and other corrupt practices. The loan recipient bears the primary responsibility for prevention and detection of such conduct and for cooperation with appropriate authorities in the prosecution of any such conduct.
- 2) The loan recipient must effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices which are brought to its attention. The loan recipient shall advise the Agency immediately when any such allegation or evidence comes to its attention, and shall periodically advise the Agency of the status and ultimate disposition of any such matter.

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i) Negotiation of Subagreements

Award of subagreements by any method other than formal advertising is not authorized unless the Agency concurs with the applicants determination that it is impracticable and infeasible to use formal advertising. Negotiated contracts must be competitively awarded to the maximum practicable extent. Procurements may be negotiated by the applicant if approved by the Agency for the following reasons:

- 1) Public exigency, as evidenced by governmental declaration, will not permit the delay incident to advertising (e.g., an emergency procurement);
- 2) The aggregate amount involved does not exceed \$4,000;
- 3) The material or services to be procured is available from only one person or firm;
- 4) The procurement is for personal or professional services, or for any services to be rendered by a university or other educational institution;
- 5) No responsive, responsible bids at acceptable price levels have been received after formal advertising; or
- 6) The procurement is for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for highly perishable materials, resale, or for technical or specialized supplies requiring substantial initial investment for manufacture.

Section 365.602 Construction Contracts of Loan Recipient

This procedure shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. It shall not apply to personal and professional service contracts.

- a) Contract documents must include bid, performance and payment bonds.
- b) Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.601(i) (Negotiation of Subagreements) above. Formal advertising shall be in accordance with the following:
 - 1) Adequate bidding documents
 - Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a

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timely manner. A complete set of bidding documents shall be maintained by the loan recipient and shall be available for inspection and copying by any party. Such bidding documents shall include:

- A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection instead of being furnished.);
- B) The terms and conditions of the contract to be awarded;
- C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
- D) The statement that any contract awarded in response to the funds is expected to be funded in part by a loan from the Fund. Neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- E) Responsibility requirements or criteria which will be employed in evaluating bidders, provided that an experience requirement or performance bond may not be utilized unless adequately justified under the particular circumstances by the recipient;
- F) A copy of subsections (G) and (H) below shall be in the proposal form to be used by bidders and will constitute a representation and certification to be considered as a part of their bid;
- G) By submission of the bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with the bid:
 - i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - ii) Unless otherwise required by law, the prices which have been quoted in the bid have not knowingly been disclosed by the bidder, prior to opening, directly or indirectly to any other bidder or to any competitor; and

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iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition; and

H) Each person signing the bid shall certify that:

i) He is the person in the bidder's organization responsible for the decision as to the prices being bid and that he has not participated, and will not participate, in any action contrary to subsection (G) above; or

ii) He is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he has been authorized to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to subsection (G) above, and as their agent shall so certify. He shall also certify that he has not participated, and will not participate, in any action contrary to subsection (G) above.

2) Addenda to bidding documents
If the loan recipient desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the addenda shall be communicated in writing to all firms who have obtained bidding documents in time to be considered prior to the bid opening time. When appropriate, the period for submission of bids shall be extended. Any addenda issued to the bidding documents should be submitted to the Agency for approval prior to the bid opening.

3) Award to the low, responsive, responsible bidder

A) After bids are opened, they shall be evaluated by the loan recipient in accordance with the methods and criteria set forth in the bidding documents.

B) The loan recipient may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan recipient.

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C) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the loan recipient explaining why each lower bidder was deemed not responsive or not responsible.

c) Negotiations of Contract Amendments (Change Orders)

1) Loan Recipient responsibility
The loan recipient is responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:

A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;

B) Assure that the contractor demonstrates that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

C) A summary of all negotiations and the engineer's independent cost estimate shall be maintained with the records.

2) Changes in contract price or time
The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c).

3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

4) Agency review

For any change order, the loan recipient shall submit to the Agency for its review and approval no later than 60 days after execution of the change order the following:

A) The cost and pricing data submitted by the contractor;

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- B) A certification of review and acceptance of the contractor's cost or price;
- C) Two copies of the executed change order with justification including, but not limited to, the need for the proposed work and the technical solution; and
- D) The summary of negotiations and the engineer's independent cost estimate.

d) Required Construction Contract Provisions

Each construction contract shall include the following provisions:

1) Audit; access to records:

- A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work under this agreement consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987). The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c) above. (Negotiation of Contract Amendments, Change Orders) and a copy of the cost summary submitted to the owner. The Auditor General, the owner, the Agency, or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The contractor will provide facilities for such access and inspection.

- B) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to include access to records as specified in subsection (d)(1)(A) above. This requirement is applicable to all negotiated change orders and contract amendments in excess of \$25,000 which affect the contract price. In the case of all other prime contracts, the contractor also agrees to include access to records as specified above in all his contracts and all tier subcontracts or change orders thereto directly related to project performance which are in excess of \$25,000.

- C) Audits conducted pursuant to this provision shall be consistent with generally accepted auditing standards in

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accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987).

- D) The contractor agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A) above. Where the audit concerns the contractor, the auditing agency will afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.

- E) Records under subsection (d)(1)(A) above shall be maintained and made available during performance of the work under this loan agreement and until three years from the date of final loan audit for the project. In addition, those records which relate to any dispute or litigation or the settlement of claims arising out of such performance, costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such dispute, appeal, litigation, claim or exception.

- F) The right of access conferred by this clause will generally be exercised (with respect to financial records) under:

- i) negotiated prime contracts;
 - ii) negotiated change orders or contract amendments in excess of \$25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - iii) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) This right of access will generally not be exercised with respect to a prime contract, subcontract or purchase order awarded after effective price competition. In any event, such right of access shall be exercised under any type of contract or subcontract:
- i) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

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- ii) if there is any indication that fraud, gross abuse or corrupt practices may be involved.

- 2) **Covenant against contingent fees**
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.
- 3) **Wage provisions**
The contractor shall pay prevailing wages in accordance with the federal Davis-Bacon wage provisions and "AN ACT regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by anyone under contract for public works" (Ill. Rev. Stat. 1987, ch. 48, pars. 39s-1 et seq.).
- 4) **MBE/WBE requirements**
Evidence that the contractor has taken affirmative steps, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with Federal Executive Orders 11625 and 12138 (reference Appendix A), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services.
- 5) A provision requiring the successful bidder(s) to submit a certification that the services of anyone that has been debarred or suspended under federal Executive Order 12549 (reference Appendix A) will not be used for construction work.

e) Subcontracts under Construction Contracts

The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by such prime contractor in awarding or executing such subcontracts shall comply with:

- 1) All provisions of federal, State and local law;
- 2) All provisions of this Part with respect to fraud and other unlawful or corrupt practices; and

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- 3) All provisions of this Part with respect to access to facilities, records and audit of records.
- 4) The provision requiring a certification that the services of anyone that has been debarred or suspended under federal Executive Order 12549 (reference Appendix A) will not be used for construction work.

f) Contractor Bankruptcy

In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

Section 365.603 Contracts for Personal and Professional Services -- Consulting Engineering Agreements

- a) The provisions of subsections (a) through (c) apply to all subagreements of loan recipients for design or construction architectural or engineering services where the aggregate amount of services involved is expected to exceed \$25,000 and where loan funds are being utilized to pay for those services.

b) Required Subagreement Provisions

- 1) Each subagreement must include:

- A) The scope and extent of the project work;
- B) A schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks;
- C) A method of compensation;
- D) Evidence that the consulting engineer has taken affirmative steps, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with federal Executive Orders 11625 and 12138 (reference Appendix A), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services;

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- E) An "audit, access to records" clause as follows:
- 1) The engineer agrees to include subsections (ii) through (v) below in all his contracts and all subcontracts directly related to project performance which are in excess of \$25,000.
 - ii) The engineer shall maintain books, records, documents and other evidence directly pertinent to performance of Agency loan work under this agreement consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987). The Agency or any of its duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The engineer will provide facilities for such access and inspection.
 - iii) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.
 - iv) The engineer agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (ii) above, to the Agency. Where the audit concerns the engineer, the auditing agency will afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.
 - v) Records under subsection (ii) above shall be maintained and made available during performance on Agency loan work under this agreement and until three years from date of final Agency loan audit for the project. In addition, those records which relate to any "dispute" appeal under an Agency loan agreement, or litigation, or the settlement of claims arising out of such performance, costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception;

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- F) A "covenant against contingent fees" clause as follows:
The engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee; and
- G) A certification that the services of anyone that has been debarred or suspended under federal Executive Order 12549 (reference Appendix A) has not or will not be used for planning, design and construction.
- 2) If any of the above elements cannot be defined adequately for later tasks at the time of contract execution, the subsequent tasks shall not be included in the contract at that time.
- Section 365.604 Compliance with Procurement Requirements for Construction Contracts
- a) Loan Recipient Responsibility
The loan recipient is responsible for selecting the loan, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as the specific requirements of the loan agreement directly affecting the procurement and for the initial resolution of complaints based upon alleged violations. If complaint is made to the Agency concerning an alleged violation of any law in connection with this loan agreement in the procurement of construction services or materials for a project involving construction work, the complaint will be referred to the loan recipient for resolution. The loan recipient shall promptly determine each such complaint upon its merits permitting the complaining party as well as any other interested party who may be adversely affected to state in writing or at a conference the basis for his views concerning the proposed procurement. The loan recipient must promptly furnish to the complaining party and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion, providing a justification for its determination.
- b) Time Limitations
Complaints should be made pursuant to subsection (a) above as early as possible during the procurement process, preferably prior to the

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bid opening to avoid disruption of the procurement process. A complaint authorized by subsection (a) above must be mailed by certified mail (return receipt requested), or delivered, no later than five working days after the bid opening. If there is no agreement between the parties within seven days following the loan applicant's response, then resolution will occur in accordance with subsection (c) below unless all bids are rejected.

- c) Remedies
All claims, counter-claims, disputes and other matters in question between the recipient and the contractor arising out of, or relating to this subagreement or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State.
- d) Deferral of Procurement Action
Where the loan applicant has received a written complaint pursuant to subsection (a) above, it must defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for seven days after mailing or delivery of any written adverse determination by the loan applicant. If a determination is made by either the loan recipient, the arbitrator or the court which is favorable to the complainant, the terms of the solicitation must be revised or the contract must be awarded (as appropriate) in accordance with such determination.

Section 365.605 Disputes

- a) Only the loan recipient may appeal to the Agency under this provision with respect to its subagreements thereunder for its own name and benefit. Neither a contractor nor a subcontractor of a loan recipient may prosecute an appeal under the disputes provision of a loan in its own name or interest.
- b) Any dispute arising under this loan which is not disposed of by agreement shall be decided by the Director or his duly authorized representative, who shall render his decision in writing and mail or otherwise furnish a copy thereof to the applicant. The decision of the Director shall be in accordance with this Part and shall be final and conclusive.
- c) This "disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in subsection (b) above.

Section 365.606 Indemnity

The loan recipient shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the loan recipient, the

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Agency or third persons, and any injury to or death of any persons (including employees of the loan recipient) caused by, arising out of, or occurring in connection with the execution of any work, contract or subcontract arising out of this loan, and the loan recipient shall indemnify, save harmless and defend the State of Illinois and the Agency from all claims for any such loss, damage, injury or death whether caused by the negligence of the State of Illinois, the Agency, their agents or employees or otherwise consistent with the provisions of Section 1 of "AN ACT in relation to indemnity in certain contracts" (Ill. Rev. Stat. 1987, ch. 29, par. 61). The loan recipient shall require that any and all contractors or subcontractors engaged by the loan recipient shall agree in writing that they shall look solely to the loan recipient for performance of such contract or satisfaction of any and all claims arising thereunder.

Section 365.607 Covenant Against Contingent Fees

The loan recipient shall warrant that no person or agency has been employed or retained to solicit or secure this loan upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul the loan in accordance with Section 365.301 or to deduct from the loan provided, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

Section 365.701 Construction Initiation

The Agency must review the information listed in Section 365.403 (Financial Assistance Application and Approval), as submitted by the loan applicant. Upon the Agency's approval and availability of funds, the loan agreement will be issued and the authorization for the initiation of construction will be given.

Section 365.702 Project Changes

- a) Prior approval by the Agency is required for project changes which may:
 - 1) Increase the amount of loan funds needed to complete the project;
 - 2) Alter the design or scope of the project;
 - 3) Alter the type of treatment to be provided;
 - 4) Extend any contractual or loan completion date for the project;

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- 5) Alter the location, size, capacity or quality of any major item of equipment; or
- 6) Alter the scope of the project by changing the methodologies or personnel to be used as agreed to at the time the loan is provided.
- b) The Agency's approval of project changes is based on, but not limited to, changes that are cost-effective and within the overall scope of the treatment works for which the loan was issued.
- c) The loan recipient shall promptly notify the Agency, in writing, of all project changes. Failure on the part of the loan recipient to give timely notice of proposed project changes or action by the loan recipient that is not consistent with the Agency's determination on such changes may, in accordance with Section 365.301 (Noncompliance with Loan Procedures), result in:

- 1) Disallowance of loan participation for costs incurred which are attributable to the change; and

- 2) Termination of the loan

Section 365.703 Construction Engineering

The loan recipient will assure that the construction substantially conforms with the approved plans and specifications by providing construction engineering and monitoring of the project.

Section 365.704 Project Sign

The loan recipient shall erect and display at the project site a sign acknowledging the source of funds for the project. The sign, in form and style to be determined by the Agency, shall be erected at the start of construction at a location appropriate for public viewing and shall be maintained until the project is completed.

Section 365.705 Operation and Maintenance of the Project

The Agency shall not approve the final inspection for the project unless the loan recipient has certified that the following training and operation and maintenance documents have been provided.

- a) Training pertaining to the proper operation and maintenance of the equipment and process units included in this project.

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- b) An operation, and maintenance reference library which includes but is not limited to the following:
 - 1) Manufacturer's literature, shop drawings and warranties as well as a maintenance schedule for the equipment and process units included in the project;
 - 2) The plans of record with valve indices for the equipment and process units included in the project. For mechanical wastewater treatment plants, the valve index shall include a listing of valve positions for each possible alternate flow configuration including by-passing of individual treatment processes and units and recommended configurations for emergency conditions that could reasonably be expected to occur; and
 - 3) A maintenance schedule for the equipment and process units included in the project.

- c) Training pertaining to the general operation of treatment plants or collection systems consisting of an operator self-study course such as Operation of Wastewater Treatment Plants, 1980, 2nd edition (three volumes) or Operation and Maintenance of Wastewater Collection Systems, 1983, 1st edition, California State University, Department of Civil Engineering, Sacramento, California.

Section 365.706 Final Inspection

The loan recipient must notify the Agency in writing within 30 days of the completion of project construction and submit the final change order, along with the contractor's final costs. The plans of record must be forwarded to the appropriate Agency regional office. The Agency shall schedule the final inspection within 60 days of the receipt of the notice provided all necessary change orders have been submitted and approved by the Agency.

Section 365.707 Project Performance Certification

- a) The loan recipient shall certify one year after the date of initiation of operation whether or not the wastewater treatment works meets the design specifications and effluent limitations contained in the loan agreement and National Pollutant Discharge Elimination System (NPDES) permit for the wastewater treatment works.
- b) If the loan recipient cannot certify that the wastewater treatment works will meet the design specifications and effluent limitations, a corrective action report must be submitted to the Agency within one year after initiation of operation. Failure to submit the report will subject the loan to penalties in accordance with Section 365.301 (Noncompliance with Loan Procedures).

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SUBPART H: REQUIREMENTS APPLICABLE TO
ACCESS, AUDITING AND RECORDS

Section 365.801 Access

a) The Agency and any persons designated by the Agency shall have access, during normal business hours and any other time during which work is being performed, to the premises where any portion of the work for which the loan was provided is being performed. Subsequent to cessation of loan support, Agency personnel or any authorized representative shall have access to the records as defined in Section 365.802 (Audit and Records) below and to the project site during normal business hours, to the full extent of the loan recipient's right to access.

b) Any contract entered into by the loan recipient for construction work, and any subagreement thereunder, shall provide the representatives of the Agency with access to the work. The contractor or subcontractor will provide facilities for such access and inspection. Such contract or subagreement must also provide that the Agency or any authorized representative shall have access to any books, documents, papers and records of the contractor or subcontractor which are pertinent to the project for the purpose of making audit, examination, excerpts and transcriptions thereof.

c) Any failure by the loan recipient or any contractor or subcontractor of the loan recipient to provide access, as provided herein, after 10 days written notice from the Agency, shall be cause for termination of the loan pursuant to Section 365.303 (Termination), and refund to the State of Illinois for deposit into the Fund any unexpended loan funds. In addition, repayment of any loan funds previously expended by the loan recipient, contractor or subcontractor found in noncompliance with this section is required.

Section 365.802 Audit and Records

a) The loan recipient shall maintain books, records, documents, reports and other evidentiary material and accounting procedures and practices consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)

1) The receipt and disposition by the loan recipient of all assistance received for the project, including both State assistance and any matching share or cost sharing; and

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2) The costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the loan has been provided. The foregoing constitutes "records" for the purposes of this subsection.

b) The loan recipient's facilities, or such facilities as may be engaged in the performance of the project for which the loan has been provided, and the loan recipient's records shall be subject at the times specified in Section 365.801 (Access) to inspection and audit by the Agency or any authorized representative.

c) The loan recipient shall preserve and make his records available to the Agency or any authorized representative:

1) For all costs associated with design and construction for a 3 year period from the date of final Agency audit under this loan;

2) For all other accounting records concerning the loan for a 3 year period from the date of the transaction; and

3) For such longer period, if any, as is required by applicable statute or lawful requirement, or by subsections (d) and (e) below.

d) If this loan is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement.

e) Records which relate to appeals under the "Disputes" clause of this loan, litigation or the settlement of claims arising out of the performance of the project for which this loan was provided, or costs and expenses of the project as to which exception has been taken by the Agency or any of its duly authorized representatives, shall be retained until such appeals, litigation, claims or exceptions have been disposed.

f) Any failure by the loan recipient or any contractor or subcontractor of the loan recipient to make records available to the Agency as required by Section 365.801 (Access) after 10 days written notice from the Agency, shall be cause for termination of the loan, pursuant to Section 365.303 (Termination) and refund to the State of Illinois for deposit into the Fund any unexpended loan funds and, in addition thereto, refund of any loan funds previously expended by the loan recipient, contractor or subcontractor found in noncompliance with this Section.

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SUBPART I: REQUIREMENTS FOR SEWER USE ORDINANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

Section 365.901 Sewer Use Ordinance

- a) The loan applicant must obtain Agency approval of its sewer use ordinance prior to the loan agreement with enactment required prior to the first loan disbursement. The loan applicant shall demonstrate to the satisfaction of the Agency that a sewer use ordinance or other legally binding requirement will be enacted and enforced prior to the first loan disbursement in each jurisdiction served by the treatment works project. The ordinance shall prohibit any connections from inflow sources into the sanitary sewer portions of the sewer system and shall ensure that new sewers and connections to the sewer system are properly designed and constructed.

- b) The sewer use ordinance shall require:

- 1) Pretreatment of any industrial wastes which would otherwise be detrimental to the wastewater treatment works or its proper and efficient operation and maintenance or will otherwise prevent entry of such wastes into the wastewater treatment works; and
- 2) Compliance with 35 Ill. Adm. Code 310 (Pretreatment Programs).
- c) The ordinance shall prohibit the introduction of industrial waste into the sewer system until Section 365.902 (User Charges) are met.

Section 365.902 User Charges

- a) The loan applicant must obtain approval by the Agency of its proposed system of user charges prior to the execution of the loan agreement. The user charge system must be enacted and enforceable prior to the first loan disbursement.
- b) The Agency's approval of a user charge system will be in accordance with the following criteria:

- 1) The user charge system must result in the distribution of the cost of operation, maintenance and replacement of treatment works within the loan recipient's service area to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the wastewater treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation, maintenance, and replacement costs to each user (or user class).

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- 2) For the first year of operation of new facilities, operation maintenance and replacement costs shall be based upon past experience for existing wastewater treatment works or some other rational method that can be demonstrated to be applicable.
- 3) The loan recipient shall review user charges annually and revise the rates periodically to reflect actual wastewater treatment works operation, maintenance, and replacement costs. The loan recipient shall report to the Agency after the initiation of operation and on an annual basis thereafter, the status of the user charge system including projected costs, actual costs, revenue generated and fund balances.
- 4) The user charge system must generate sufficient revenue to offset the cost of all wastewater treatment works operation, maintenance and replacement required to be provided by the loan recipient.
- 5) The user charge system must be incorporated in one or more municipal legislative enactments or other appropriate authority. If the project is a regional treatment works accepting wastewaters from treatment works owned by others, then the subscribers receiving wastewater treatment services from the loan recipient shall have adopted user charge systems. Such user charge systems shall also be incorporated in the appropriate municipal legislative enactments, intergovernmental agreements or other appropriate authority.
- c) Upon approval of a loan recipient's system of user charges, the implementation and maintenance of the approved system shall become a condition of the loan subject to the provisions of Section 365.301 (Noncompliance with Loan Procedures) hereof.
- d) The loan recipient must maintain records necessary to document compliance. The loan recipient shall maintain such records in accordance with the provisions of the Local Records Act (Ill. Rev. Stat. 1987, ch. 116, pars. 43.101 et seq.).
- e) The Agency or any authorized representative shall have access to any books, documents, papers, and records of the loan recipient which are applicable to the loan recipient's system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the provisions of subsection (b) above.

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Section 365.903 Financial Capability

a) The loan applicant shall demonstrate to the Agency that it possesses the necessary legal, financial, managerial and institutional capability to construct, operate and maintain the project for the life of the wastewater treatment works and to retire the loan in accordance with the schedule to be contained in the loan agreement, including the execution of any necessary intergovernmental agreements, enactment of a system of user charges and any legislative enactments necessary to recover adequate capital costs to repay the loan in accordance with the terms of the loan agreement. The loan applicant shall also demonstrate the ability to meet any covenants and requirements in the loan agreement.

b) To demonstrate financial, managerial and institutional capability, the applicant shall, at a minimum, show that it:

- 1) Is empowered under State law to own, operate and maintain a public sewage treatment facility;
- 2) Has the necessary easements, titles, permits and intergovernmental agreements for implementation, as identified in the facilities plan; and
- 3) Has or will have the necessary qualified personnel to operate and maintain the facility.

c) The financial capability demonstration shall be required and submitted to the Agency for review and approval and must contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and historical information over the past five years consisting of audited annual financial statements, bond ratings, number of users and tax rate levies.

d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project. The mitigative measures may include but shall not be limited to: acquisition of grant funding, reduction of project costs, additional or different sources of dedicated revenues, efforts to reduce delinquent users and changes to existing financial practices which may threaten generation of adequate revenues.

Section 365.904 Dedicated Source of Revenue

a) A source of revenue shall be dedicated and pledged to make the loan repayments. The Agency will review the proposed dedicated and pledged revenue source to determine that it will generate revenues

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adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan, prior to loan approval. If that source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve shall be identical to that ordinance.

b) The loan recipient shall make the necessary legislative enactments to dedicate and pledge the source of revenue, prior to the first loan disbursement.

c) The loan recipient shall establish an account, maintained by a bank or trust, which is restricted to use for loan repayment, in which to deposit the dedicated revenues prior to the time of the first loan disbursement.

d) The loan recipient shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary, to provide adequate funds for the repayment of the loan. The recipient shall timely notify and submit, for the Agency's subsequent approval, all proposed changes to the dedicated source of revenue.

e) The loan recipient shall submit to the Agency a statement on the status of the restricted account after initiation of operation and on an annual basis thereafter for the term of the loan. This statement shall contain the status of the dedicated revenue account including the projected revenues, actual revenues, fund balance, debt service obligations and other requirements of the loan agreement. The Agency's approval will be based on, but not limited to, ensuring that the revised dedicated source of revenue is legal, generates sufficient revenue and otherwise is in accordance with this Part.

f) In the event that the actual revenues fall short of the amount required to retire the debt, the Agency will require the dedicated revenue source to be re-examined and restructured, as necessary.

Section 365.905 Floodplain Insurance

a) If the project includes insurable structures which will be located within a designated floodplain area pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127), the loan recipient must furnish written evidence that it is participating in the National Flood Insurance Program or the construction areas have been given official exclusion from the flood insurance requirements by the Federal Emergency Management Agency.

b) The loan recipient (or the construction contractor, as appropriate) shall acquire any flood insurance made available to it under the

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National Flood Insurance Act of 1968, as amended, and maintain such insurance for the entire useful life of the insurable structures.

- c) The amount of insurance required is the total project cost, excluding facilities which are uninsurable under the National Flood Insurance Program, or the maximum limit of coverage made available to the loan recipient under the National Flood Insurance Act of 1968, whichever is less.

- d) The required insurance premium for the period of construction is an allowable project cost.

SUBPART J: REQUIREMENTS APPLICABLE TO DISBURSEMENT OF LOANS TO RECIPIENTS

Section 365.1001 Determination of Allowable Costs

The loan recipient will be paid, upon request, in accordance with Section 365.1003 (Disbursement of Loan Funds), for all necessary costs within the scope of the approved project not to exceed the total loan provided and determined to be allowable in accordance with the following criteria:

- a) Allowable Project Costs.
Project costs of the loan recipient which are reasonable and necessary are allowable. Necessary costs may include but are not limited to:
- 1) The direct purchase of materials and equipment necessary for the completion of the proposed loan project. The direct purchase of personal services is an allowable cost only if the individual(s) are hired specifically to work on the proposed loan project;
 - 2) Costs under construction contracts;
 - 3) Professional and consultant services;
 - 4) Actual costs incurred for preparation of of user charge systems, construction drawings, specifications, estimates, surveys and construction contract documents, subject to the limitations in Section 365.406 (Limitation on Design Cost);
 - 5) Landscaping;
 - 6) Observation of construction work;
 - 7) Removal and relocation or replacement of utilities for which the loan recipient is legally obligated to pay;

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- 8) Materials acquired, consumed or expended specifically for the project;
- 9) An inventory of laboratory chemicals and supplies necessary to initiate plant operations;
- 10) Project identification sign;
- 11) Costs for required insurance premium for floodplain insurance during the construction period; and
- 12) Services of the prime engineer for project performance services during the one year period following initiation of operation.

b) Unallowable Costs

Some costs which are directly or indirectly related to the construction of a treatment works project are unallowable. Such costs include, but are not limited to:

- 1) Facilities planning costs;
- 2) Basin or areawide planning not directly related to the project;
- 3) Bonus payments for completion of construction in advance of a contractual completion date;
- 4) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation or otherwise;
- 5) Fines and penalties resulting from violations of, or failure to comply with, federal, State or local laws;
- 6) Costs outside the scope of the approved project;
- 7) Ordinary operating expenses of local government, such as salaries and expenses of a mayor, city council members or city attorney;
- 8) Site acquisition [i.e. wastewater treatment plant sites, easements or sludge disposal areas except as otherwise provided in subsection (c)(1)];
- 9) Costs for which payment has been or will be received under another State or federal assistance program;
- 10) Costs of equipment or material procured in violation of any provisions of this Part;

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- 11) Costs of special funds (i.e., industry advancement funds, funds to reimburse bidding costs to unsuccessful offerors, etc.) financed by contractors, contributions in the construction industry for methods and materials research, public and industry relations, market development, labor-management matters, wage negotiations, jurisdictional disputes, defraying of all or part of unsuccessful offerors bidding costs or similar purposes;
- 12) Costs for construction engineering where such costs are incurred after the expiration of the applicable contractual completion date, even if the contractual completion date is subsequently extended by the loan recipient, unless such extension has been approved by the Agency in accordance with Section 365.702 (Project Changes); and
- 13) Personal and professional service costs (including professional engineering costs) when the Agency has been refused access to the books and records of the contractor or the contractor has refused to renegotiate a personal or professional services contract in accordance with the provisions of Section 365.603 (Contracts for Personal and Professional Services -- Consulting Engineering Agreements) hereof.

c) Costs Allowable, if Approved by the Agency

1) Land acquisition

Land acquired after March 7, 1985, that will be an integral part of the treatment process or that will be used for ultimate disposal of residues resulting from such treatment (e.g., land for spray irrigation of wastewater effluent);

2) Sewage collection systems

No project costs will be allowed for the construction of any sewage collection system until the Agency has made a determination in writing prior to initiation of construction that there is a wastewater treatment works of sufficient existing or planned capacity to adequately treat the sewage collected by the proposed sewage collection system.

d) Disputes Concerning Allowable Costs

The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at its earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

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Section 365.1002 Use of Loan Funds and Payment of Unallowable Costs

- a) The loan shall be expended solely for approved allowable costs incurred in the design and construction of the project.
- b) The loan recipient agrees to pay the unallowable costs associated with the project and all allowable costs of the project which exceed the amount of the loan and shall construct the project, or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency for the project.
- c) The loan recipient commits itself to complete the construction of the operable wastewater treatment works.

Section 365.1003 Disbursement of Loan Funds

a) Disbursements are subject to the following:

- 1) Release of funds by the USEPA;
- 2) Appropriation of funds by the Illinois General Assembly and deposit into the Fund; and
- 3) Receipt of loan repayments.

b) Disbursement may be requested in accordance with the following:

- 1) After the receipt of a fully executed loan agreement by the Agency, disbursement requests must be sent directly to the Agency and disbursements shall be processed to the loan recipient in accordance with the provisions of the loan agreement.
- 2) Disbursements will be processed based on costs incurred that are due and payable, as evidenced by invoices, no more often than monthly. Any payment may be withheld for a violation of the loan agreement conditions.
- c) Under emergency situations that cause serious cash flow problems, the Agency may process additional disbursements as needed.
- d) The loan recipient shall make prompt payment to the contractor.
- e) The State share of any refunds, rebates, credits or other amounts (including any interest thereof) accruing to or received by the loan recipient with respect to the project, to the extent that they are

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properly allocable to costs for which loan funds have been disbursed must be paid to the State of Illinois for deposit in the Fund minus any reasonable expenses incurred in securing these funds.

- f) The following is required prior to the establishment of the final principal amount:
- 1) The Agency will conduct a final audit, final inspection and a project review to insure that all applicable loan conditions have been satisfied; and
 - 2) The loan recipient shall have a final waiver from the contractor and a Certification of Payment that all bills have been paid.
 - g) The loan recipient must also submit a release at this time, discharging the State of Illinois, its officers, agents and employees from all liabilities, obligations and claims arising out of the project work or under the loan, subject only to such exceptions which may be specified in the release.
 - h) Any use of loan funds at variance with this Part will result in repayment of those loan funds to the State of Illinois for deposit into the Fund.

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

Section 365.1101 Loan Repayment to the Agency

Loan repayment to the Agency will be in accordance with the loan repayment schedule contained in the loan agreement.

- a) Loan repayments of principal and interest as determined by the Agency will commence not later than 90 days after initiation of operation and will be due semi-annually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.
- b) A final principal amount will be determined by the Agency after a final audit, final inspection and project review have been made to ensure all applicable loan conditions have been satisfied.
- c) A loan repayment schedule will be prepared by the Agency and will be furnished to the loan recipient at the time of establishment of the final principal amount.

Section 365.1102 Delinquent Loan Repayments

- a) In the event that a repayment is not made by a loan recipient according to the loan schedule of repayment, the loan recipient shall

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notify the Agency in writing within 15 days after the repayment due date. The notification shall include a statement of the reasons the repayment was not timely tendered, the circumstances under which the late repayment will be satisfied, and binding commitments to assure future repayment. After receipt of this notification, the Agency shall confirm in writing the acceptability of the plan or take action in accordance with subsection (b) below.

- b) In the event that a loan recipient fails to comply with subsection (a) above, the Agency shall promptly issue a notice of delinquency to the loan recipient which shall require a written response within 30 days. The notice of delinquency shall require that the loan recipient revise its rates, fees and charges to meet its obligations or take other specified actions as may be appropriate to remedy the delinquency and to assure future repayments.
- c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to subsections (a) and (b) above, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 (Ill. Rev. Stat. 1987, ch. 15, pars. 151 et seq.) or by any other reasonable means as may be provided by law.

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APPENDIX A Executive Orders
EXHIBIT A Executive Order 11625

October 14, 1971, 36 F.R. 19967

PREScribing ADDITIONAL ARRANGEMENTS FOR DEVELOPING
AND COORDINATING A NATIONAL PROGRAM FOR
MINORITY BUSINESS ENTERPRISE

The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy.

The Office of Minority Business Enterprise, established in 1969, greatly facilitated the strengthening and expansion of our minority enterprise program. In order to take full advantage of resources and opportunities in the minority enterprise field, we now must build on this foundation. One important way of improving our efforts is by clarifying the authority of the Secretary of Commerce (a) to implement Federal policy in support of the minority business enterprise program; (b) provide additional technical and management assistance to disadvantaged businesses; (c) to assist in demonstration projects; and (d) to coordinate the participation of all Federal departments and agencies in an increased minority enterprise effort.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. Functions of the Secretary of Commerce.

- a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—
- 1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.
 - 2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

- 3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise.
- 4) Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order.
- b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—
 - 1) With the participation of other Federal departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by this order.
 - 2) Require a coordinated review of all proposed Federal training and technical assistance activities in direct support of the minority enterprise program to assure consistency with program goals and to avoid duplication.
 - 3) Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.
 - 4) Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of this order.
 - 5) Confer with and advise officials of State and local governments.
 - 6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.
 - 7) Recommend appropriate legislative or executive action.

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Section 2. Advisory Council for Minority Enterprise.

- a) The Advisory Council for Minority Enterprise (hereinafter referred to as "the Council"), established by Executive Order No. 11458 of March 5, 1969,¹¹ shall continue in existence under the terms of this order.
- b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, who are knowledgeable in this field and who are dedicated to the purpose of this order. The members shall serve for a term of two years and may be reappointed.
- c) The President shall designate one of the members of the Council as the Chairman of the Council.
- d) The Council shall meet at the call of the Secretary.
- e) The Council shall be advisory to the Secretary in which capacity it shall—
 - 1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.
 - 2) Keep abreast of plans, programs, and activities in the public and private sectors which relate to minority business enterprise, and advise the Secretary on any measures to better achieve the objectives of this order.
 - 3) Consider, and advise the Secretary, and such officials as he may designate, on problems and matters referred to the Council.
- f) For the purposes of Executive Order No. 11007 of February 26, 1962,¹² the Council shall be deemed to have been formed by the Secretary.
- g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701-5708) for persons in the Government service employed intermittently.
- h) The Secretary shall arrange for administrative support of the Council to the extent necessary, including use of any gifts or bequests accepted by the department of Commerce pursuant to law.

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Section 3. Responsibilities of Other Federal Departments and Agencies.

- a) The head of each Federal department and agency, or a representative designated by him, when and in the manner so requested by the Secretary, shall furnish information, assistance, and reports to, and shall otherwise cooperate with, the Secretary in the performance of his functions hereunder.
- b) The head of each Federal department or agency shall, when so requested by the Secretary, designate his Under Secretary or such other similar official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise.
- c) The officials designated under the preceding paragraph, when so requested, shall review and report to the Secretary upon the policies and programs of the minority business enterprise program, and shall keep the Secretary informed of all proposed budgets, plans and programs of his department or agency affecting minority business enterprise.
- d) The head of each Federal department or agency, or a representative designated by him, shall, to the extent provided under regulations issued by the Secretary after consultation with the official designated in paragraph (b) above, report to the Secretary on any activity that falls within the scope of the minority business enterprise program as defined herein and in those regulations.
- e) Each Federal department or agency shall, within constraints of law and appropriations therefor, continue all current efforts to foster and promote minority business enterprises and to support the program hereing set forth, and shall cooperate with the Secretary of Commerce in increasing the total Federal effort.

Section 4. Reports.

The Secretary shall, no later than 120 days after the close of each fiscal year, submit to the President a full report of his activities hereunder during the previous fiscal years. Further, the Secretary shall, from time to time, submit to the President his recommendations for legislation or other action as he deems desirable to promote the purposes of this order. Each Federal department or agency shall report to the Secretary as hereinabove provided on a timely basis so that the Secretary may consider such reports for his report and recommendations to the President. Each Federal department or agency shall develop and implement systematic data collection processes which will provide to the Office of Minority Business Enterprise Information Center current data helpful in evaluating and promoting the efforts herein described.

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Section 5. Policies and Standards.

The Secretary may establish such policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this order, and generally perform such functions and take such steps as he may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

Section 6. Definitions.

For purposes of this order, the following definitions shall apply:

a) "Minority business enterprise" means a business enterprise that is owner or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

b) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

Section 7. Construction.

Nothing in this order shall be construed as subjecting any function vested in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or office exclusively, or as abrogating or restricting any such function in any manner.

Section 8. Prior Executive Order.

Executive Order No. 11458 of March 5, 1969,¹³ is hereby superseded.

THE WHITE HOUSE
October 13, 1971

11. 15 U.S.C.A. Section 631 noted.
12. 5 U.S.C.A. Section 901 note.
13. 15 U.S.C.A. Section 631 note.

RICHARD NIXON

Section 5. Policies and Standards.

Section 6. Definitions.

Section 7. Construction.

Section 8. Prior Executive Order.

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requiring the recipient of such assistance to take appropriate affirmative action in support of women's business enterprise and to prohibit actions or policies which discriminate against women's business enterprise on the ground of sex. For purposes of this subsection, Federal financial assistance means assistance extended by way of grant, cooperative agreement, loan or contract other than a contract of insurance or guaranty. These regulations shall prescribe sanctions for noncompliance. Unless otherwise specified by law, no agency sanctions shall be applied until the agency or department concerned has advised the appropriate person or persons of the failure to comply with its regulations and has determined that compliance cannot be secured by voluntary means.

1-102. For purposes of the Order, affirmative action may include, but is not limited to, creating or supporting new programs responsive to the special needs for women's business enterprise, establishing incentives to promote business or business-related opportunities for women's business enterprise, collecting and disseminating information in support of women's business enterprise, and insuring to women's business enterprise knowledge of and ready access to business-related services and resources. If, in implementing this Order, an agency undertakes to use or to require compliance with numerical set-asides, or similar measures, it shall state the purpose of such measure, and the measure shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure.

1-103. In carrying out their responsibilities under Section 1-1, the departments and agencies shall consult the Department of Justice, and the Department of Justice shall provide legal guidance concerning these responsibilities.

1-2. Establishment of the Interagency Committee on Women's Business Enterprise.

1-201. To help insure that the actions ordered above are carried out in an effective manner, I hereby establish the Interagency Committee on Women's Business Enterprise (hereinafter called the Committee).

1-202. The Chairperson of the Committee (hereinafter called the Chairperson) shall be appointed by the President. The Chairperson shall be the presiding officer of the Committee and shall have such duties as prescribed in this Order or by the Committee in its rules of procedure. The Chairperson may also represent his or her department, agency or office on the Committee.

1-203. The Committee shall be composed of the Chairperson and other members appointed by the heads of departments and agencies from among high level policy-making officials. In making these appointments, the recommendations of the Chairperson shall be taken into consideration. The

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following departments and agencies and such other departments and agencies as the Chairperson shall select shall be members of the Committee: the Departments of Agriculture; Commerce; Defense; Energy, Health, Education, and Welfare; Housing and Urban Development; Interior; Justice; Labor; Transportation; Treasury; the Federal Trade Commission; General Services Administration; National Science Foundation; Office of Federal Procurement Policy; and the Small Business Administration. These members shall have a vote. Nonvoting members shall include the Executive Director of the Committee and at least one but no more than three representatives from the Executive Office of the President appointed by the President.

1-204. The Committee shall meet at least quarterly at the call of the Chairperson, and at such other times as may be determined to be useful according to the rule of procedure adopted by the Committee.

1-205. The Administrator of the Small Business Administration shall provide an Executive Director and adequate staff and administrative support for the Committee. The staff shall be located in the Office of the Chief Counsel for Advocacy of the Small Business Administration, or in such other office as may be established specifically to further the policies expressed herein. Nothing in this Section prohibits the use of other properly available funds and resources in support of the Committee.

1-3. Functions of the Committee.

The Committee shall in a manner consistent with law:

1-301. Promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Executive Branch which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of the departments and agencies.

1-302. Establish such policies, definitions, procedures and guidelines to govern the implementation, interpretation and application of this order, and generally perform such functions and take such steps as the Committee may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

1-303. Promote the mobilization of activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and other groups toward the growth of women's business enterprise, and facilitate the coordination of the efforts of these groups with those of the department and agencies.

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1-304. Make an annual assessment of the program made in the Federal Government toward assisting women's business enterprise to enter the mainstream of business ownership and to provide recommendations for future actions to the President.

1-305. Convene and consult as necessary with persons inside and outside government to develop and promote new ideas concerning the development of women's business enterprise.

1-306. Consider the findings and recommendations of government and private sector investigations and studies of the problems of women entrepreneurs, and promote further research into such problems.

1-307. Design a comprehensive and innovative plan for a joint Federal and private sector effort to develop increased numbers of new women-owned businesses and larger and more successful women-owned businesses. The plan should set specific reasonable targets which can be achieved at reasonable and identifiable costs and should provide for the measurement of progress towards these targets at the end of two and five years. Related outcomes such as income and tax revenues generated, jobs created, new products and services introduced or new domestic or foreign markets created should also be projected and measured in relation to costs wherever possible. The Committee should submit the plan to the President for approval within six months of the effective date of this Order.

1-4. Other Responsibilities of the Federal Departments and Agencies.

1-401. The head of each department and agency shall designate a high level official to have the responsibility for the participation and cooperation of that department or agency in carrying out this Executive order. This person may be the same person who is the department or agency's representative to the Committee.

1-402. To the extent permitted by law, each department and agency upon request by the Chairperson shall furnish information, assistance and reports and otherwise cooperate with the Chairperson and the Committee in the performance of their functions hereunder. Each department or agency shall ensure that systematic data collection processes are capable of providing the Committee current data helpful in evaluating and promoting the efforts herein described.

1-403. The officials designated under Section 1-401, when so requested, shall review the policies and programs of the women's business enterprise program, and shall keep the Chairperson informed of proposed budget, plans and programs of their departments or agencies affecting women's business enterprise.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

1-404. Each Federal department or agency, within constraints of law, shall continue current efforts to foster and promote women's business enterprise and to support the program herein set forth, and shall cooperate with the Chairperson and the Committee in increasing the total Federal effort.

1-5. Reports.

1-501. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report of the activities of the Committee hereunder during the previous fiscal year. Further, the Chairperson shall, from time to time, submit to the President the Committee's recommendations for legislation or other action to promote the purposes of this Order.

1-502. Each Federal department and agency shall report to the Chairperson as hereinabove provided on a timely basis so that the Chairperson and the Committee can consider such reports for the Committee report to the President.

1-6. Definitions.

For the purposes of this Order, the following definitions shall apply:

1-601. "Women-owned business" means a business that is at least 51 percent owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

1-602. "Women's business enterprise" means a woman-owned business or businesses or the efforts of a woman or women to establish, maintain or develop such a business or businesses.

1-603. Nothing in subsections 1-601 or 1-602 of this Section (1-6) should be construed to prohibit the use of other definitions of a woman-owned business or women's business enterprise by departments and agencies of the Executive Branch where other definitions are deemed reasonable and useful for any purpose not inconsistent with the purposes of this Order. Wherever feasible, departments and agencies should use the definition of a woman-owned business in subsection 1-601 above for monitoring performance with respect to women's business enterprise in order to assure comparability of data throughout the Federal Government.

1-7. Construction

Nothing in this Order shall be construed as limiting the meaning or effect of any existing Executive order.

THE WHITE HOUSE
May 18, 1979

JIMMY CARTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

APPENDIX A Executive Order
EXHIBIT C Executive Order 12549

February 18, 1986, 51 F.R. 6370

DEBARMENT AND SUSPENSION

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

Section 1.

- a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.
- b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guaranties.
- c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

Section 2. To the extent permitted by law, Executive departments and agencies shall:

- a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.
- b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

Section 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

Section 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

Section 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

Section 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

Section 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

THE WHITE HOUSE
February 18, 1986

RONALD REAGAN

TMZ:ts/642k/1-84

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: County Fair Regulations
- 2) Code Citation: 11 Ill. Adm. Code 437
- 3) Section Numbers:

437.10	<u>Adopted Action:</u>
437.20	New Section
437.30	New Section
437.40	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a), (n), as amended by P.A. 85-1170.
- 5) Effective Date of Amendments: May 1, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference?
No.
- 8) Date Filed in Agency's Principal Office: February 11, 1989
- 9) Notice of Proposed Published in Illinois Register:
January 27, 1989, 13 Ill. Reg. 1099
- 10) Has JCAR issued a Statement of Objections to this rule?
Yes
If answer is "yes", please complete the following:
 - A) Statement of Objection: April 21, 1989; 13 Ill. Reg. 5802
 - B) Agency Response: May 12, 1989, 13 Ill. Reg. 7484
 - C) Date Agency Response Submitted for Approval to JCAR: April 14, 1989
- 11) Difference between proposal and final version:
To state "(as amended by Public Act 85-1170, effective August 12, 1988) in its Authority for the Part;

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- (To state "(Ill. Rev. Stat. 1987, ch.8, par. 37-9(a), (n), as amended by P.A. 85-1170, effective August 12, 1988)" in Section 437.10;
 - To place a statement in Section 437.20 as a last sentence: "Board personnel shall inspect the applicant's facilities for compliance with the Board's rules.";
 - To include a second sentence in Section 437.30: "Facilities which most closely approximate those required by the Board's rules will be considered to have best attained these standards.";
 - To remove "likely" from modifying "quality/competitiveness of the races" in Section 437.30;
 - To provide an example in Section 437.30 which states: "the potential to maximize revenue to horsemen, the county fair association and the state (as evidenced by, among other items, past attendance figures);";
 - To delete "competence and" from the third sentence of Section 437.30;
 - To provide a cross reference to the applicable Board's rules in Section 437.40 to state: All provisions of the Act and Subchapters a, b, c, and f of the rules of the Board shall apply to county fair associations and their agents unless the provision of the Act or rule has been waived by the Board pursuant to Section 9(n) of the Act.";
 - To state "Subchapter b, Rules Applicable to Organization Licensees" in the heading of the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
 - 13) Will this amendments replace an emergency amendment currently in effect? No.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments:

These rules implement the pilot project authorized by P.A. 85-1170, which allows the Board the authority to grant licenses to 2 county fair associations to conduct wagering on their 1989 county fair race meetings.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
Address: State of Illinois Center
Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601
Telephone: (312) 917-2600

The full text of the Adopted Rules begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 437
COUNTY FAIR REGULATIONS

Section	Scope
437.10	Application Procedures
437.20	Criteria For Selection
437.40	Board Rules Apply

AUTHORITY: Implementing and authorized by Sections 9(a), (n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, pars. 37-9(a), (n)).

SOURCE: Adopted at 13 Ill. Reg. 7435, effective May 1, 1989.

Section 437.10 Scope

This Part shall apply to applicants for licenses for county fairs authorized by Section 37-9(a), (n) of the Illinois Horse Racing Act of 1975 (Act) (Ill. Rev. Stat. 1987, ch. 8, par. 37-9(a), (n), as amended by P.A. 85-1170, effective August 12, 1988).

Section 437.20 Application Procedures

All applications shall be filed with the Illinois Racing Board (Board) no later than April 15, 1989. Board personnel shall review the applications for completeness, notify the applicants of any additional material required and the date by which such material must be submitted, within 30 days of the Board's receipt of the application. Board personnel shall inspect the applicant's facilities for compliance with the Board's rules.

Section 437.30 Criteria For Selection

In selecting the county fairs to receive licenses, the Board shall consider the following factors: the financial ability of the applicant to meet the obligations associated with the proposed race meeting, both estimated actual liabilities and contingent liabilities; the quality of the accommodations available for the running of the race (including ability to guarantee the integrity of the race); the accommodations available to the public; the quality/competitiveness of the races (as evidenced by, among other items, purse structure); the potential to maximize revenue to horsemen, the county fair association and the state (as evidenced by, among other items, past attendance figures); the ability to safeguard the interests of the wagering public. Facilities which most closely approximate those required by the Board's rules

ILLINOIS RACING BOARD

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will be considered to have best attained these standards. The Board will give preference to associations who utilize agents or contractors with demonstrated experience in operating, in whole or in part, race meetings upon which pari-mutuel wagering is conducted.

Section 437.40 Board Rules Apply

All provisions of the Act and Subchapters a, b, c, and f of the rules of the Board shall apply to county fair associations and their agents unless the provision of the Act, or rule has been waived by the Board pursuant to Section 9(n) of the Act. The Board shall grant such waivers when it determines that, based upon a preponderance of the evidence, the waiver will not decrease the safety of the race for human and equine participants, compromise the integrity of the race meeting or wagering thereon, or decrease revenue to the state.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Race Track Improvement Fund
- 2) Code Citation: 11 Ill. Adm. Code 404
- 3) Section Numbers:
404.20 Adopted Action:
404.200 Amendment
- 4) Statutory Authority: 11l. Rev. Stat. 1987, ch.8,
par. 37-32
- 5) Effective Date of Amendments: April 21, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this amendment contain incorporations by reference?
No.
- 8) Date Filed in Agency's Principal Office: March 11, 1989
- 9) Notice of Proposed Rulemaking Published in Illinois
Register:
12 Ill. Reg. 13936, September 2, 1988
- 10) Has JCAR issued a Statement of Objections to this rule?
No.
- 11) Difference between proposal and final version:
The language currently contained in 404.20 was
originally proposed as an amendment to 404.60.
- 12) Have all the changes agreed upon by the agency and JCAR
been made as indicated in the agreement letter issued by
JCAR? Yes.
- 13) Will this amendments replace an emergency amendment
currently in effect? No.
- 14) Are there any amendments pending on this Part?
No.

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

This rulemaking requires submission of certain bid information and increases the threshold level for Board approval of construction projects.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
Address: State of Illinois Center
Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601

Telephone: (312) 917-2600

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 404

RACE TRACK IMPROVEMENT FUND AND RELATED RULES

Section	Definitions
404.10	Contents of Application
404.20	Application for Project Approval
404.30	Licensed Architect or Engineer
404.40	Payments
404.50	Contents of Request
404.60	Periodic Payments
404.70	Ordinary Repairs and Maintenance
404.80	Amortization of Debt
404.90	Separate Approval
404.100	Disclosure
404.110	Demolition, Construction, Alteration or Addition to Race Track

AUTHORITY: Implementing and authorized by Sections 9(b) and 32(e) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, pars. 37-9(b) and 37-32(e)).

SOURCE: Adopted at 4 Ill. Reg. 29, p. 284, effective July 10, 1980; codified at 5 Ill. Reg. 10884; amended at 13 Ill. Reg. 7440, effective April 21, 1989.

Section 404.20 Contents of Application

Applications shall contain at least the following information:

- name of organization licensee and race track;
- details of the proposed project and the estimated costs;
- copies of all contracts or written estimates in connection with such projects;
- a description of actual or proposed financing, including copies of all documents;
- where appropriate, a payment schedule supported by a work schedule; and
- A statement by an officer or director, under oath, setting forth at least three competitive bids submitted to the applicant for the project for which approval is sought, and copies of such bids. If three bids have not been obtained the statement must set forth the reasons why three bids could not be obtained.

(Source: Amended at 13 Ill. Reg. 7440, effective April 21, 1989)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 404.200 Demolition, Construction, Alteration or Addition to Race Track

- a) Before demolition of any building or demolition of any other structure (provided the cost of such structure's demolition exceeds \$10,000) and before construction, alteration of, or addition to (provided the cost of such alteration or addition is in excess of \$100,000) the buildings or other structures on the grounds used, or to be used, by a race track operator to conduct a meeting with pari-mutuel wagering, the organization licensee or the owner of the premises, as the case may be, shall file with the Board a description thereof with appropriate plans and specifications and an estimate of the cost thereof.
- b) If the Board shall determine that the location, construction or design of such structures is not suitable for the efficient conduct of pari-mutuel wagering, or of racing, or the health, safety, and welfare of backstretch personnel or horses, the Board shall advise, in reasonable detail, the race track operator, or the owner of the premises, of the basis for such determination. The Board may retain an independent architect to advise it with respect to any such construction, alteration or addition.
- c) Such demolition, construction, alteration or addition shall not be accomplished without the Board's approval at a Board meeting.
- d) The Board may, in its discretion, deny or revoke a license to conduct a racing meet, and/or impose a civil penalty, for violation of this rate Section. When imposing a penalty, the Board shall consider all relevant factors, including but not limited to, the severity of the violation of the rule and its relation to the efficient conduct of pari-mutuel wagering, the health, safety, and welfare of the public and of backstretch personnel and horses. The Board shall also consider the number of prior rule violations by the organization licensee.

(Source: Amended at 13 Ill. Reg. 7440, effective April 21, 1989)

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: State Records Commission

2) Code Citation: 44 Ill. Adm. Code 4400

3) Section Numbers: Adopted Action:

4400.25	New Section
Appendix A	New Section
Appendix B	New Section
Appendix C	New Section
Appendix D	New Section

4) Statutory Authority: The State Records Act (Ill. Rev. Stat. 1987, ch. 116, pars. 43.4 et seq.)

5) Effective Date of Rules: May 1, 1989.

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 1, 1989

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 44 (January 6, 1989)

10) Has J.C.A.R. issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

1. On the table of contents page, the action heading was added.
2. The authority note was updated to 1987.
3. In the main source note we added an entry for this rulemaking.
4. In subsection a), the first letter of "section" was capitalized. In the definition of "Illinois State Archives" and in subsection b), the period following "et" was deleted.
5. In subsection b), the abbreviation "Ch." was placed in lower case in the statutory citations.
6. In subsection c), the statutory citation was deleted. Also, the indent levels were corrected.

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

7. In subsection e), "44 Ill. Adm. Code 4400.50 and 4400.60" were changed to Sections 4400.50 and 4400.60".
8. In subsection h), the subsection label in line 2 was put in parentheses.

Pursuant to an agreement with J.C.A.R., the following further changes were made:

1. "Administrative Value" in subsection a) was changed to read:

Refers to those aspects of records which contain facts concerning an agency's administrative decisions which an agency needs for its immediate day-to-day function. This value almost always diminishes and is lost over time.

2. "Records Retention Schedule" in subsection a) was changed to read:

The document stating the official retention, maintenance and disposition requirements for a record series, or type of record, based on administrative, fiscal, legal, or archival value for the scheduled records. The schedule is of no force unless approved by the State Records Commission (See Section 8 of the State Records Act (Ill. Rev. Stat. 1987, ch. 116, par. 43.11))

3. The definition of "Research, Historical, or Archival Value" was changed to read:

Refers to records which document a specific state program, document a unique program, document a departure from previous state policy, document the activities of an important government official, and document a trend or movement by the citizenry.

4. The definitions of "permanent" and "record series" were revised as follows:

"Permanent" - To be retained forever (as long as the data stored on the particular medium is retrievable).

"Record Series" - A group of identical or related documents (either as to form or content) which is arranged under a single filing system, or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common physical characteristics (i.e., maps, blueprints, etc.). A series may contain both forms and correspondence.

5. In subsection d)2), "coordinating, and promulgating standards," was added after "promoting" and before "procedures."

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

6. In subsection d)3) and d)5), "appropriate" was deleted.
7. The Inventory Work Sheet and Records Management Guide was added as Appendix A and a cross-reference was placed in subsection (f).
8. The Records Retention Schedule (Application for Authority to Dispose of State Records) was added as Appendix B.
9. In subsection i) a cross-reference was provided which states in part: "If the agency's approved Record Retention Schedule (see Appendix B, Application for Authority to Dispose of State Records)....."
10. The Records Disposal Certificate was added as Appendix C and a cross-reference was added to subsection i).

11. Forms ARD-50 and ARD-109 were added as Appendix D and a cross-reference was added to subsection j).

12. Subsections k) and l) were deleted.

13. Ill. Rev. Stat. 1987, ch. 116, par. 43.4 was cited in the Statutory Authority on the notice page.

14. A comma was added after 1976 instead of a semicolon in the source note.

15. The citation "amended at 10 Ill. Reg. 1965, effective January 8, 1986;" was added to the source note.

16. In subsection a), the definition of "fiscal value" was changed to state: "Refer to those aspects of records which contain monetary information which accounts for the expenditure of funds."

17. In subsection c), the citation was deleted.

18. The section source note was changed to State 13 instead of 12.

19. An Appendix A section source was added which reads: "Section repealed at 10 Ill. Reg. 1965, effective January 8, 1986; Section adopted at 13 Ill. Reg. _____, effective _____."

- 12) Have all the changes agreed upon by the agency and J.C.A.R. been made as indicated in the agreement letter issued by J.C.A.R.? Yes

- 13) Will these amendments replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this part? No

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rules: This rulemaking will state the criteria the State Records Commission uses to recommend a records management program for state agencies. It declares the criteria which have been used for decades in state government within the archival profession. It now places these criteria in writing for posterity.

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, IL 62756
(217) 785-3904

The full text of the adopted amendments begins on the next page:

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE C: GOVERNMENTAL RECORDS

CHAPTER IV: STATE RECORDS COMMISSION

PART 4400

STATE RECORDS COMMISSION

Section	
4400.10	General
4400.20	Definitions
4400.25	Record Management
4400.30	Procedures for Compiling and Submitting Lists and Schedules of Records of Disposal
4400.40	Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal
4400.50	Standards for the Reproduction of Records by Microphotographic Processes with a View to the Disposal of the Original Records
4400.60	Minimum Standards of Quality for Permanent Record Photographic Original Microfilm Intended for Retention Periods in Excess of 10 Years

APPENDIX A Limits for Residual Photostatic (Repealed) Inventory Work Sheet
APPENDIX B Records Retention Schedule (Application for Authority to Dispose of State Records)

APPENDIX C Records Disposal Certificate

APPENDIX D Archives Records Transfer Sheet

AUTHORITY: Implementing and authorized by the State Records Act (Ill. Rev. Stat. 1987, ch. 116, pars. 43.4 et seq.).

SOURCE: Amended May 28, 1976; codified at 8 Ill. Reg. 8927; recodified from 44 Ill. Adm. Code 4100 (Secretary of State) to 44 Ill. Adm. Code 4400 (State Records Commission) at 9 Ill. Reg. 15547; amended at 10 Ill. Reg. 1965, effective January 8, 1986; amended at 13 Ill. Reg. 7444, effective May 1, 1989.

Section 4400.25 Record Management

a) For purposes of this Section, the following definitions shall apply:

"Administrative Value" - Refers to those aspects of records which contain facts concerning an agency's administrative decisions which an agency needs for its immediate day-to-day function. This value almost always diminishes and is lost over time.

"Fiscal Value" - Refers to those aspects of records which contain monetary information which accounts for the expenditure of funds.

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

"Illinois State Archives" - Means the Department of the Archives and Records, Office of the Secretary of State established pursuant to the State Records Act (Ill. Rev. Stat. 1987, ch. 116, Pars. 43.4 et seq.)

"Legal Value" - Refers to records which contain evidence of legally enforceable rights or obligations of the State such as legal decisions and opinions; fiscal documents representing agreements, such as leases, titles and contracts; and records of actions in particular cases, such as claim papers and legal dockets.

"Permanent" - To be retained forever (as long as the data stored on the particular medium is retrievable).

"Records Retention Schedule" - The document stating the official retention, maintenance and disposition requirements for a record series, or type of record, based on administrative, fiscal, legal or archival values for the scheduled records. The schedule is of no force unless approved by the State Records Commission (see Section 8 of the State Records Act (Ill. Rev. Stat. 1987, ch. 116, par. 43.11)).

"Record Series" - A group of identical or related documents (either as to form or content) which is arranged under a single filing system, or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common physical characteristics (i.e., maps, blueprints, etc.). A series may contain both forms and correspondence.

"Research, Historical or Archival Value" - Refers to records which document a specific state program, document a unique program, document a departure from previous state policy, document formation of public policy, document the activities of an important government official, and document a trend or movement by the citizenry.

"Secretary" - Secretary of State of Illinois.

b) The State Records Act (Ill. Rev. Stat. 1987, ch. 116, par. 43.4 et seq.) places with the Secretary of State the responsibility to provide the expertise and technical assistance necessary for State agencies to properly manage their records. The Secretary provides this service through the Illinois State Archives - Records Management Section.

c) The State Records Act places three major responsibilities on State agencies:

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) No record shall be disposed of by any agency of State, unless the approval of the State Records Commission (hereinafter referred to as the Commission) is first obtained.
- 2) The head of each agency shall establish and maintain an active, continuing program for the economical and efficient management of records of the agency.
- 3) The head of each agency shall submit to the Commission, lists or schedules of records in his custody that are not needed in the transaction of public business and do not warrant further preservation. Any agency that knowingly and without lawful authority alters, destroys, defaces, removes, or conceals any public record is guilty of a Class 4 felony as provided in Section 32-8 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 32-8).

d) When requested by authorized State agency officials, the State Records Unit field representatives (hereinafter referred to as field representatives) present the records management program to the agency and provide guidance in the implementation of records management practices. The field representatives personally contact the State agencies for the purposes of:

- 1) providing for the economical and efficient management of the records of an agency;
- 2) analyzing, developing, promoting, coordinating, and promulgating standards, procedures, and techniques designed to improve the management of records;
- 3) establishing retentions for an agency's records;
- 4) facilitating the segregation, storage, and disposal of records with temporary value; and
- 5) insuring the maintenance and security of records deemed appropriate for permanent preservation.

e) The State Records Commission has set standards for the reproduction of public records by micrographic process. Standards regarding the quality of film, preparation and identification of records, and proper certification of copies are provided in Sections 4400.50 and 4400.60.

f) The field representative will complete a records inventory for the State agency. The inventory serves as basis of determining the records program required. The records inventory worksheet (see Appendix A) shall contain the following information:

- 1) the date the worksheet was completed;
- 2) the number of the inventory worksheet;
- 3) the records series title;
- 4) the beginning date of the series or an estimated date for records no longer created or required;
- 5) the total number of cubic feet of the records series in existence at the time of the inventory;
- 6) the accumulation, in cubic feet, of the series for the most recent year;

STATE RECORDS COMMISSION

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- 7) the physical measurements of the documents or a description of the documents;
- 8) whether the series is arranged chronologically, alphabetically, numerically, or by status (active, inactive, or closed);
- 9) the official designation of the State agency and the division and/or subdivision if appropriate;
- 10) the location of the office of the person having responsibility for the records;
- 11) the name, title, and phone number of the person responsible for the records;
- 12) a description of the index or finding aid for the records;
- 13) a detailed and accurate description of each record series; and
- 14) the recommendation regarding retention of records in terms of years or months.
- g) The values considered by the Records Management Section in appraising records for retention purposes are as follows:
- 1) the administrative value;
 - 2) the legal value;
 - 3) the fiscal value; and
 - 4) the research, historical, or archival value.
- h) The Records Management Section will examine the records in light of the values listed in subsection (g) to determine if the records should be retained by the agency, transferred to the State Archives, or destroyed.
- i) If the agency's approved Record Retention Schedule (see Appendix B, Application for Authority to Dispose of State Records) authorized the destruction of records which are stored in the agency's own office(s), the State Records Disposal Certificate (see Appendix C) shall be completed and approved by the Chairman of the State Records Commission prior to the physical destruction of the agency's files. The Disposal Certificate shall be submitted thirty (30) days prior to the date of the proposed destruction unless the waiting period has been waived.
- j) If the agency's approved Records Retention Schedule provides for the transfer of agency files to the State Archives after retention in the office, Form ARD-50 (Archives Records Transfer Sheet, see Appendix D) shall be completed and included with the Records when they are transferred to the Archives.

(Source: Added at 13 Ill. Reg. 7444
effective May 1, 1989)

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

Section 4400. Appendix A Inventory Work Sheet

Application No. _____

Secretary of State
Archives Division
INVENTORY WORK SHEET

Date _____

Item Number _____

Record Series _____

Dates _____

Volume Annual Accumulation _____

Number and size of files or documents _____

Arrangement _____

Agency _____

Division _____

Subdivision _____

Office Location _____

Representative (Name, Title and Phone) _____

Index or Finding Aid _____

STATE RECORDS COMMISSION

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5. Microfilm Reels - Cubic Feet Equivalency:

54 Microfilm Reels (35mm).....1.0
108 Microfilm Reels (16mm).....1.0

A 16mm reel of microfilm has approximately 2200 frames per reel.

(Source: Section repealed at 10 Ill. Reg. 1965, effective January 8, new Section adopted at 13 Ill. Reg. 7444 effective May 1, 1989)

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Section 4400.APPENDIX B Records Retention Schedule (Application for Authority to Dispose of State Records)

State of Illinois

State Records Commission

Application No. 85-113
Page 1 of 1 Pages

APPLICATION FOR AUTHORITY TO
DISPOSE OF STATE RECORDS

Agency

Recommendation:

Division

Archivist

Date

Subdivision

I hereby certify that the records described in this application are not needed in the transaction of current business and are not of sufficient administrative, legal, or fiscal value to warrant further preservation.

State Records Commission Approval:

Head of Agency

Date

Chairman

Secretary

Submit original and two copies to State Records Commission with samples of each item listed.

Date

Description of items of record series

Item No. Give title, earliest date, file arrangement, volume, annual accumulation, form numbers, legal requirements affecting retention, and recommended retention period. If micro-filmed, the head of the agency shall attach a statement certifying that microfilm copies, made in accordance with the standards of the records commission, will be adequate substitutes for the original records.

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1. Title: _____

Earliest date: _____

Volume: _____

Annual Accumulation: _____

Arrangement: _____

Legal Requirements Affecting Retention: _____

STATE RECORDS COMMISSION

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Section 4400 APPENDIX C Records Disposal Certificate

RECORDS DISPOSAL CERTIFICATE

Application Number

(Authority to Dispose
of State Records)

To:

State Records Commission
Archives Building
Springfield, Illinois 62756

From:

Agency

Division, Bureau, Section

ITEM NO. FROM APPLICATION	TITLE OF RECORD SERIES	INCLUSIVE DATES	CUBIC FEET DESTROYED	METHOD OF DISPOSAL
---------------------------	------------------------	-----------------	----------------------	--------------------

Recommendation: _____

DIRECTIONS

1. Prepare one original and two carbons. Send the original and one carbon to the State Records Commission thirty (30) days prior to disposal date. Retain one carbon for your file.
2. Do not dispose of materials until one copy is returned to your agency signed by the Chairman of the State Records Commission, in compliance with 44 Ill. Adm. code 4400.40.

I hereby certify that in compliance with the above authorization no. (s) _____ received from the State Records Commission, the records listed above will be disposed of on or

STATE RECORDS COMMISSION

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For Archives Use:

Receipt is hereby acknowledged of the above records which have been transferred to the Illinois State Archives in accordance with Section 7 of the State Records Act as amended (Ill. Rev. Stat. 1987, ch. 116, par. 43.10) authorizing such transfer, and the rules and regulations of the Illinois State Archives. These records shall be under the custody of the Archives Division and are not subject to withdrawal except upon Court order. Any records so transferred may, if experience proves necessary, be reclassified as semi-current records and returned to the jurisdiction of your department, provided that no records covering a date prior to 1880 may be so reclassified and the written assent of the State Archives shall be given to such reclassification.

Director
Illinois State Archives

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

INSTRUCTIONS

The Archives only accepts records which have been approved for permanent retention by the State Records Commission. All transferred records must have an approved application number.

No records will be accepted for transfer to the Archives unless accompanied by the completed Records Transfer Sheet. Any records which arrive without the completed form will be returned to the department of origin.

After the records have been processed and accessioned by the Archives, a copy of the Records Transfer Sheet will be signed and sent to the transferring office thus acknowledging that legal custody of the listed records henceforth rests with the Archives.

Because a legal transfer is involved, the Records Transfer Sheet requires that the records be listed in a certain degree of detail. This protects the transferring department in that it clearly defines those records for which the department no longer has responsibility.

The appropriate State Records Commission application number should first be listed with each corresponding records title. Each box or volume should be listed separately by number. Next to the box or volume number, the titles of the records should be entered along with the inclusive dates. Under the title, the specific contents of the record should be listed. This may take the form of file folder headings, inclusive letters of the alphabet, form numbers or any other information that will give an exact account of what may be found in that record. A description of the function or purpose of the records may be added when it would yield a clearer understanding of the content listings.

Sample entries:

State Records Commission Application Number	Box or Vol. No.	Titles, Dates and Contents of Records	For Archives Use
--	--------------------	--	------------------------

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

PLEASE USE OUR SUPPLEMENTARY PAGE FORM IF YOU HAVE ANY ADDITIONAL PAGES OF TRANSFER LISTINGS.

The Archives will gladly provide assistance to departments in completing this form. For information call the Illinois State Archives, Inventory Control, extension 2-4866, and ask for the Department Liaison.

STATE RECORDS COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

ARCHIVES RECORDS TRANSFER SHEET
(supplementary page)

All records to be transferred to the legal custody of the Archives for permanent retention must be accompanied by this form completed in triplicate.

Received from: DEPARTMENT _____
DIVISION _____

For Archives use:
Accession no. _____ Accessed by _____ Date _____

State Records Commission Application No.	Box or Vol. No.	Titles, Dates and Contents of Records	For Archives Use
--	--------------------	--	------------------------

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Vending Stand Program for the Blind
- 2) Code Citation: 89 Ill. Adm. Code 650
- 3) Section Numbers: 650.700
Adopted Action:
new Section
- 4) Statutory Authority: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1987, ch. 23, pars. 3331 et seq.).
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 1, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 26, 1989
- 9) Notice of Proposal Published in Illinois Register:
September 30, 1988, 12 Ill. Reg. 15520
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

- A) Statement of Objection: (issue date), Ill. Reg. _____
- B) Agency Response: (issue date), Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version: Pursuant to agreements with the Joint Committee on Administrative Rules, the following changes have been made:

Throughout the Section the term "blind vendors" has been changed to "vendors" in order to be consistent.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

The language in (e) has been changed to state, "whenever complaints having to do with the quality of services or goods, the activities of the vendor or return of lost monies at rest areas are made . . .".

Dollar signs have been added to the amounts in (c).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
 - 13) Will this rule replace an Emergency Rule(s) currently in effect? No
 - 14) Are there any amendments pending on this Part: No
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|--|-----------------------------------|
| 15) | <u>Summary and Purpose of Rule(s):</u> This rulemaking is being adopted in response to a recommendation by the Joint Committee on Administrative Rules. The rulemaking explains who is responsible for utility costs and security in vending facilities located in rest areas. Other areas of responsibility explained are: providing liability insurance, customer complaints and customer refunds. | |
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER c: VOCATIONALLY RELATED PROGRAMS

PART 650

VENDING STAND PROGRAM FOR THE BLIND

- Section
 650.1 Definitions
 650.10 Basis for Legal Authority and Scope of Rules and Regulations
 650.20 Functions of the Department as State Licensing Agency
 650.30 Right, Title To, and Interest in Program Equipment, Accessories, and Initial Stocks of Merchandise and Supplies
 650.40 Use of Program Servicing Arrangement by the Department
 650.50 Licensing Program Blind Vendors
 650.60 Conditions of License
 650.70 Disciplinary Procedures for Licensed Blind Vendors
 650.80 Grievance Procedures for Licensed Blind Vendors
 650.90 Illinois Committee of Blind Vendors (I.C.B.V.)
 650.100 Setting Aside of Funds for Program Purposes
 650.200 Training, Retraining, Upward Mobility Training, and In-Service Training
 650.500 Leaves of Absence
 650.600 Promotions and Transfers (P&T)
 650.700 Vending Facilities in Rest Areas
 650.1000 Business Practices
 APPENDIX A Manager Operator's Affidavit (Repealed)
 APPENDIX B Approved Purveyor

AUTHORITY: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1987, ch. 23, para. 3331 et seq.)

SOURCE: Amended August 31, 1973; 6codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 11 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989.

Section 650.700 Vending Facilities in Rest Areas

- a) Vendors located in rest areas in accordance with 92 Ill. Adm. Code 534 shall be responsible for utility costs associated with the business. These utility costs shall be considered a business expense of the facility.

DEPARTMENT OF REHABILITATION SERVICES

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- b) The vendor is responsible for maintaining security within his or her own vending facility (e.g., such as securely locking vending machines).
- c) The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million.
- d) It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall be furnished to the vendors by the Department of Rehabilitation Services (DORS). These cards shall be sent to DORS by the customer at an address specified by DORS on the card. DORS shall contact the vendors who are responsible for refunding the money to the customer.
- e) Whenever complaints having to do with the quality of services or goods, the activities of the vendor or return of lost monies at rest areas are made to DORS from vending customers at a vending site and the complaints exceed one per day, the vendor shall make improvements in vending operations to reduce complaints to below the occurrence of one per day.

(Source: Added at 13 Ill. Reg. 7465, effective May 1, 1989.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Property Tax/Revenue Act of 1939
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
110.105 Amendment
110.160 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 482.1, 482.7a and 564
- 5) Effective Date of Amendment(s): May 2, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 2, 1989
- 9) Notice of Proposal Published in Illinois Register:

December 30, 1988, 12 Ill. Reg. 22373
(issue date)

- 10) Has JCAR issued a Statement of Objections to this Rule?: No
- 11) Differences between proposal and final version:

At the request of the Administrative Code Division, the following change was made:

In Section 110.160, moved the heading of the first column to the right 1 inch and the entire first column of counties to the right 1/2 inch.

At the request of the Joint Committee on Administrative Rules, the following change was made:

Amended the last three sentences of Section 100.105 (as proposed) to read as follows:

The Department thereupon shall consider the facts presented and, if necessary, ~~hold a hearing to ascertain additional information~~ request additional information from the chief county assessment official or the railroad or both. Within 30 60 days ~~the~~ the Department shall determine whether the property is a "non-carrier real estate" or "operating property" and notify the local assessment officers and the reporting carrier of its decision. An application for hearing shall be

DEPARTMENT OF REVENUE

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made in the time and manner provided by Section 137 of the Revenue Act of 1939 (Ill. Rev. Stat. 1987, ch. 120, par. 618). Non-carrier real estate which includes improvements owned by lessees shall be listed in the railroad books as property of the railroad.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Determination of non-carrier real estate of railroads and updating list of multi-township assessment districts.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX/REVENUE ACT OF 1939

- Section
110.101 Railroads
110.105 Non-carrier Real Estate of Railroads
110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emissions Exemption Proceedings
110.115 Oil Right Lessees and Producers
110.120 Reports to be Filed with the Department
110.125 Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.130 Review of Assessments - Counties of 1,000,000 or More
110.135 Board of Review Procedures and Records - Counties of Less than 1,000,000
110.140 Farmland Factor Review Procedures (Repealed)
110.141 Practice and Procedure
110.145 Records Reproduction
110.155 Appointment of Board of Review Members After Examination
110.160 Multi-township Assessment Districts
110.165 Farmland Assessment Review Procedures
110.170 Assessors' Bonus
110.175 Equalization by Supervisor of Assessments
110.180 Supervisor of Assessments Examination

AUTHORITY: Implementing the Revenue Act of 1939 (Ill. Rev. Stat. 1987, ch. 120, par. 482.1) and authorized by Section 39b35 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b35).

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989

Section 110.105 Non-carrier Real Estate of Railroads

When the railroad returns required under Section 110.101 of this Part have been filed, the Department shall transmit to the ~~county~~ Chief County

DEPARTMENT OF REVENUE

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Assessment Officials copies of Form Nos. P.T.A.B. 536 and 537 which list the "non-carrier real estate" as defined in Section 79 of the Revenue Act of 1939, as amended (Ill. Rev. Stat. 1987, ch. 120, par. 560). The ~~county~~ chief ~~immediately shall transmit these Schedules to the proper assessment officers for consideration and, if such assessment officials have reason to believe that the items of property set forth in these Schedules do not include all "non-carrier real estate" of the reporting carrier located within their jurisdiction, they shall, within 30 days from the date of transmittal by the Department, object to the classification adopted by the reporting railroad. Their objection shall be filed with the Department and it shall set forth the location and nature of the property alleged to be classified improperly and the basis for the allegation. The Department thereupon shall consider the facts presented and, if necessary, hold hearings to ascertain additional information request additional information from the chief county assessment official or the railroad or both. Within 90 days, it the Department shall determine whether the property is "non-carrier real estate" or "operating property" and notify the local assessment officers and the reporting carrier of its decision. An application for hearing shall be made in the time and manner provided by Section 137 of the Revenue Act of 1939 (Ill. Rev. Stat. 1987, ch. 120, par. 618). Non-carrier real estate which includes improvements owned by lessees shall be listed in the railroad books as property of the railroad.~~

(Source: Amended at 13 Ill. Reg. 7469, effective May 2, 1989)

Section 110.160 Multi-township Assessment Districts

The following multi-township assessment districts have been promulgated and filed with this Department in accordance with Section 1.1 of the Revenue Act of 1939:

County	Townships in District
Adams	1. Lima, Keene 2. Houston, Northeast 3. Clayton, Concord 4. McKee, Beverly, Richfield 5. Fall Creek, Payson 6. Honey Creek, Gilmer, Burton 7. Columbus, Liberty
Bond	1. Mills, Tamalco 2. La Grange, Old Ripley
Boone	1. Manchester, LeRoy, Caledonia 2. Piora, Boone, Spring
Brown	1. Pea Ridge, Missouri, Lee, Ripley 2. Cooperstown, Versailles, Elkhorn, Buckhorn

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County	Townships in District	County	Townships in District
Bureau	<ol style="list-style-type: none"> 1. Fairfield, Gold, Mineral 2. Neponset, Macon 3. Greenville, Manlius 4. Walnut, Bureau 5. Indiantown, Arispie, Milo, Wheatland 6. Ohio, Dover 7. La Moille, Clarion 8. Berlin, Westfield 9. Selby, Leepertown 	Coles	<ol style="list-style-type: none"> 1. Seven Hickory, Charleston 2. Morgan, East Oakland 3. Ashmore, Hutton 4. Paradise, Pleasant Grove
Carroll	<ol style="list-style-type: none"> 1. Washington, Woodland, Freedom 2. Cherry Grove, Shannon 3. Rock Creek, Lima 4. Wysox, Elkhorn Grove 5. Salem, Fairhaven 	Crawford	<ol style="list-style-type: none"> 1. Licking, Prairie 2. Lamotte, Montgomery 3. Martin, Honey Creek, Southwest
Cass	<ol style="list-style-type: none"> 1. Bluff Springs, Arenzville, Hagener 2. Sangamon Valley, Virginia 3. Chandlerville, Panther Creek, Newmansville 4. Philadelphia, Ashland 	Cumberland	<ol style="list-style-type: none"> 1. Cottonwood, Union, Crooked Creek 2. Spring Point, Woodbury
Champaign	<ol style="list-style-type: none"> 1. East Bend, Newcomb, Condit, Hensley 2. Ludlow, Rantoul 3. Harwood, Kerr, Compromise 4. Stanton, Ogden 5. Colfax, Sadorus 6. Pesotum, Crittenden 7. Raymond, Ayers 	DeKalb	<ol style="list-style-type: none"> 1. South Grove, Mayfield 2. Malta, Milan 3. Afton, Pierce 4. Shabbona, Paw Paw 5. Victor, Somonauk
Christian	<ol style="list-style-type: none"> 1. Mt. Auburn, Mosquito 2. Stonington, Prairieton 3. Johnson, Locust, Rosamond, Greenwood 4. King, Bear Creek, Ricks 	Dewitt	<ol style="list-style-type: none"> 1. Waynesville, Barnett 2. Wapella, Wilson 3. Rutledge, Harp, Dewitt 4. Tunbridge, Texas 5. Creek, Nixon
Clark	<ol style="list-style-type: none"> 1. Westfield, Parker, Dolson, Auburn, Douglas 2. Anderson, Darwin, York 3. Johnson, Orange, Melrose 	Douglas	<ol style="list-style-type: none"> 1. Murdock, Newman 2. Bowdre, Sargent
Clay	<ol style="list-style-type: none"> 1. Larkinsburg, Oskaloosa, Blair 2. Bible Grove, Hoosier, Pixley 3. Stanford, Clay City 4. Songer, Xenia 	Edgar	<ol style="list-style-type: none"> 1. Prairie, Brouillets, Creek, Edgar 2. Shiloh, Embarrass 3. Buck, Grandview 4. Symmes, Elbridge 5. Hunter, Stratton
Clinton	<ol style="list-style-type: none"> 1. St. Rose, Wheatfield 2. Irishtown, Carlyle 3. East Fork, Meridian, Clement 4. Santa Fe, Lake 	Effingham	<ol style="list-style-type: none"> 1. Liberty, Banner, Moccasin 2. Mound, West 3. Jackson, Mason 4. Union, Lucas

Fayette

1. Hurricane, South Hurricane, Shafter
2. Bowling Green, Carson, Loudon
3. Sefton, Otego, Wheat Land
4. Bear Grove, Seminary, Pope
5. Kaskaskia, Wilberton, Lone Grove

Ford

1. Sullivant, Peach Orchard
2. Drummer, Dix

DEPARTMENT OF REVENUE

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County	Townships in District
Franklin	3. Lyman, Wall 4. Patton, Button 5. Rogers, Mona, Pella 1. Goode, Barren 2. Ewing, Northern 3. Eastern, Cave
Fulton	1. Fairview, Joshua 2. Orion, Banner 3. Deerfield, Lee, Harris 4. Cass, Bernadotte, Farmers 5. Liverpool, Waterford 6. Isabel, Kerton, Woodland 7. Young Hickory, Ellisville
Gallatin	1. Omaha, Asbury, North Fork 2. Equality, Eagle, Creek, Bowlesville 3. New Haven, Shawnee
Greene	1. Patterson, Roodhouse 2. Athensville, Rubicon, Wrights 3. Linder, Rockbridge 4. Walkerville, Bluffdale, Woodville
Grundy	1. Nettle Creek, Erienna, Norman, Vienna, Highland 2. Garfield, Goodfarm 3. Maine, Goose Lake, Felix
Hamilton	1. Crouch, South Crouch, Beaver Creek 2. Knights Prairie, Flannigan, South Flannigan, Twigg, South Twigg 3. Crook, Mayberry
Hancock	1. Appanoose, Sonora, Nauvoo 2. Pontoosuc, Rock Creek 3. Durham, Pilot Grove, Fountain Green, Hancock 4. Prairie, Carthage 5. Montebello, Wythe 6. Bear Creek, Harmony 7. Chili, Augusta 8. Walker, St. Albans 9. Warsaw, Wilcox, Rocky Run
Henderson	1. Media, Raritan, Terre Haute 2. Bald Bluff, Rozetta, Biggsville 3. Carman, Stronghurst

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NOTICE OF ADOPTED AMENDMENT(S)

County	Townships in District
Henry	1. Hanna, Phenix 2. Loraine, Yorktown, Alba 3. Edford, Osco 4. Munson, Cornwall, Burns 5. Lynn, Andover 6. Wellier, Galva
Iroquois	1. Milks Grove, Ashkum 2. Papineau, Beaverville 3. Danforth, Iroquois 4. Beaver, Concord 5. Ridgeland, Onarga 6. Crescent, Ash Grove 7. Milford, Stockland 8. Pigeon Grove, Fountain Creek 9. Prairie Green, Lovejoy
Jackson	1. Ora, Vergennes 2. Levan, Kinkaid, Degonia, Fountain Bluff 3. Sand Ridge, Grand Tower, Pomona
Jasper	1. Grove, North Muddy, South Muddy 2. Crooked Creek, Grandville, Hunt City 3. Willow Hill, Ste. Marie, Fox, Smallwood
Jefferson	1. Grand Prairie, Rome, Casner 2. Field, Farrington 3. Pendleton, Moores Prairie 4. Bald Hill, Elk Prairie 5. Blissville, McClellan
Jersey	1. Richwood, English 2. Jersey, Ruyle, Fidelity 3. Rosedale, Otter Creek
Jo Daviess	1. Menominee, Vinegar Hill, Rawlins 2. Council Hill, Scales Mound, Guilford 3. Apple River, Thompson 4. Rush, Nora 5. Rice, Hanover 6. Woodbine, Derinda 7. Wards Grove, Berreman, Pleasant Valley
Kankakee	1. Essex, Salina 2. Rockville, Manteno 3. Sumner, Yellowhead

DEPARTMENT OF REVENUE

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County	Townships in District
Kendall	1. Na-Au-Say, Seward, Lisbon
Knox	1. Rio, Henderson 2. Walnut Grove, Lynn 3. Copley, Victoria 4. Persifer, Truro 5. Sparta, Knox, Galesburg, Cedar, Indian Point 6. Orange, Haw Creek 7. Chestnut, Maquon 8. Eiba, Salem
LaSalle	1. Meriden, Ophir 2. Freedom, Serena 3. Dimmick, Waltham, Wallace 4. Mission, Miller 5. Utica, Deer Park 6. Vermilion, Richland, Hope 7. Fall River, Grand Rapids 8. Brookfield, Allen 9. Osage, Groveland
Lawrence	1. Petty, Bond, Russell 2. Christy, Lukin 3. Allison, Denison
Lee	1. Nelson, Harmon 2. China, Nachusa 3. Ashton, Bradford 4. Reynolds, Alto, Viola, Willow Creek 5. Marion, East Grove, Hamilton 6. Amboy, Lee Center 7. May, Sublette
Livingston	1. Sunbury, Nevada, Esmer 2. Round Grove, Broughton, Union 3. Long Point, Amity 4. Rocks Creek, Pike, Waldo 5. Owego, Avoca, Eppards Point 6. Saunemin, Pleasant Ridge 7. Sullivan, Charlotte 8. Indian Grove, Belle Prairie 9. Forrest, Fayette 10. Chatsworth, Germanville
Logan	1. Prairie Creek, Sheridan 2. Orvil, Eminence

DEPARTMENT OF REVENUE

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County	Townships in District
McDonough	3. Atlanta, Oran 4. Corwin, Broadwell 5. Hurlbut, Elkhart 6. Chester, Mount Pulaski 7. Aetna, Laenna, Lake Fork
McHenry	1. Blandinsville, Hire 2. Sciota, Walnut Grove 3. Prairie City, Bushnell 4. Emmet, Chalmers 5. Macomb, Mound 6. Scotland, New Salem 7. Tennessee, Lamaine, Bethel 8. Industry, Eldorado
McLean	1. Alden, Hartland 2. Yates, Lawndale, Cropsey, Anchor 3. Money Creek, Lexington 4. Blue Mound, Martin 5. Dawson, Arrowsmith 6. West, Bellflower 7. White Oak, Dry Grove 8. Mount Hope, Funks Grove
Macon	1. Austin, Illini 2. Niantic, Harriestown 3. Whitmore, Oakley 4. Mt. Zion, Milam
Macoupin	1. Scottville, Barr, Western Mound 2. North Palmyra, North Otter 3. South Palmyra, South Otter 4. Nilwood, Shaws Point, Honey Point 5. Bird, Polk, Hillyard, Brushy Mound
Madison	1. New Douglas, Leef
Marion	1. Patoka, Carrigan 2. Foster, Tonti 3. Kinmundy, Meacham 4. Alma, Omega 5. Stevenson, Haines 6. Iuka, Romine
Marshall	1. Saratoga, Whitefield, La Prairie 2. Hopewell, Roberts

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

County	Townships in District
Mason	3. Richland, Bell Plain 1. Lynchburg, Bath 2. Kilbourne, Crane Creek, Sherman 3. Quiver, Forest City 4. Pennsylvania, Allen Grove 5. Salt Creek, Mason City
Mercer	1. Eliza, Duncan, Perryton 2. Keithsburg, Abington, Ohio Grove 3. Suez, North Henderson
Montgomery	1. Bois D'arc, Harvel 2. Pitman, Zanesville 3. Walshville, Grisham 4. Rountree, Irving, Butler Grove 5. Nokomis, Audubon 6. Fillmore, South Fillmore
Moultrie	1. Dora, Marrow Bone 2. Lowe, Jonathan Creek 3. East Nelson, Whitley
Ogle	1. Forreston, Brookville 2. Maryland, Lincoln 3. Eagle Point, Buffalo, Woosung 4. Pine Creed, Grand Detour 5. Oregon, Nashua 6. Pine Rock, Lafayette, Taylor 7. Scott, White Rock 8. Lynnvillie, Dement
Peoria	1. Millbrook, Brimfield 2. Trivoli, Logan 3. Jubilee, Rosefield 4. Princeville, Akron
Piatt	1. Goose Creek, Willow Branch
Pike	1. Atlas, Martinsburg 2. Chambersburg, Fairmount, Perry 3. Cincinnati, Kinderhook, Levee 4. Derry, Pleasant Vale 5. Detroit, Montezuma 6. Flint, Griggsville 7. Hadley, New Salem 8. Hardin, Newburg

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

County	Townships in District
Putnam	9. Pearl, Spring Creek 10. Pleasant Hill, Ross
Richland	1. Hennepin, Senachwine 1. Denver, Noble, Decker 2. German, Claremont, Bonpas
Rock Island	1. Zuma, Canoe Creek 2. Drury, Buffalo Prairie
Saline	1. Tate, Long Branch, Galatia 2. Brushy, Raleigh 3. Rector, East Eldorado, Cottage 4. Independence, Mountain, Stonefort
Sangamon	1. Island Grove, New Berlin 2. Loami, Maxwell, Talkington 3. Fancy Creek, Salisbury 4. Buffalo Hart, Mechanicsburg 5. Cooper, Cotton Hill 6. Lanesville, Illiopolis
Schuyler	1. Birmingham, Brooklyn, Littleton, Oakland, Huntsville, Camden 2. Woodstock, Bainbridge, Frederick, Browning, Hickory
Shelby	1. Moweaqua, Penn 2. Flat Branch, Pickaway, Rural, Ridge 3. Oconee, Cold Spring 4. Herrick, Dry Point 5. Lakewood, Clarksburg, Holland 6. Todds Point, Okaw 7. Richland, Ash Grove 8. Big Spring, Sigel
Stark	1. Goshen, West Jersey 2. Elmira, Osceola 3. Essex, Valley, Penn
Stephenson	1. Winslow, Waddams 2. Kent, Erin 3. Jefferson, Loran 4. Rock Grove, Dakota
Tazewell	1. Sand Prairie, Malone

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

County	Townships in District	County	Townships in District
Vermilion	2. Dillon, Delavan 3. Hopedale, Boynton 4. Little Mackinaw, Hittle	4. Palestine, Kansas	
Warren	1. Middlefork, Pilot 2. Jamaica, Carroll 3. McKendree, Love 1. Sumner, Hale 2. Spring-Grover-Monmouth 23. Kelly, Coldbrook 34. Lenox, Floyd 45. Ellison, Point Pleasant, Swan 56. Berwick, Greenbush	(Source: Amended at 13 Ill. Reg. 7469, effective May 2, 1989)	
Washington	1. Ashley, Beaucoup, Richview 2. Bolo, Dubois 3. Covington, Hoyleton 4. Venedy, Johannisburg, Lively Grove 5. Plum Hill, Oakdale, Pilot Knob		
Wayne	1. Garden Hill, Orchard, Hickory Hill, Four Mile Hill 2. Indian Prairie, Berry, Arrington 3. Keith, Zif, Elm River, Mount Erie 4. Massilon, Leech, Barn Hill		
White	1. Mill Shoals, Burnt Prairie 2. Indian Creek, Heralds Prairie 3. Hawthorne, Emma		
Whiteside	1. Ustick, Clyde 2. Genesee, Jordan 3. Albany, Garden Point 4. Newton, Fenton 5. Erie, Portland 6. Hume, Montmorency 7. Tampico, Hahnman		
Will	1. Florence, Wilton		
Winnebago	1. Laona, Durand 2. Harrison, Burrett		
Woodford	1. Partridge, Cazenovia 2. Linn, Clayton, Greene, Panola 3. Cruger, Ohio		

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Delivery of Youth Services Funded by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 310
- 3) Section Numbers: 310.12 Action: Refusal
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
July 22, 1988, 12 Ill. Reg. 11935
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:
March 17, 1989, 13 Ill. Reg. 3412
(issue date)

6) Summary of Action Taken by the Agency: The Joint Committee has objected to Section 310.12(b)(6) on the grounds that the Department lacks the statutory authority to limit the provision of services to homeless youth 18 to 20 years of age to the discretion of providers. The Joint Committee further recommends that the Department seek legislation to clarify the Department's authority in regard to allowing providers to provide services to homeless youth 18 to 20 years of age at their discretion, rather than in all instances.

The Department is refusing to modify or withdraw the amendments to Section 310.12(b)(6). Part 310 describes what services comprehensive community-based youth service providers must provide and what services they may at their discretion provide. Services to youth 18 to 20 years of age are not required of comprehensive community-based youth service providers. The Department does fund demonstration programs for homeless youth 18 to 20 years of age, but these programs are not subject to the rules contained in 89 Ill. Adm. Code 310. Furthermore the amount of funds available to comprehensive community-based youth service providers is not sufficient to provide services to youth 18 to 20 years of age. To expand the providers' mandate would mean an inability to provide services to those youth under 18 years of age for whom, the Department asserts, the law requires diversion from the child welfare and juvenile justice systems.

The Department does, however, agree with the Joint Committee's recommendations that legislation is needed to clarify the Department's authority to limit the provision of services to homeless youth 18 to 20 years of age at the discretion of the provider. The Department will seek such legislation.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF REFUSAL
TO MEET OBJECTIONS OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1. Heading of the Part: County Fair Regulations
2. Code Citation: 11 Ill. Adm. Code 437
3. Sections Involved:
437.10 Action:
437.20 Refusal
437.30 Refusal
437.40 Refusal
4. Date Notice of Proposed Rules Published in the Register:
January 27, 1989 13 Ill. Reg. 1099
5. Date JCAR Statement of Objection Published in the Register:
April 21, 1989 13 Ill. Reg. 5802
6. Summary of Action Taken by the Agency:

As its April 5, 1989 meeting the Joint Committee objected to the Board's use of emergency rulemaking because the Board's justification of a potential loss of revenue to the State, horsemen and track operators does not constitute an "emergency" within the meaning of Section 5.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. ch. 127, par. 1005.02). However, the IAPA defines an emergency as a threat to the public interest or welfare. The Board feels that loss of revenue to either the State or affected classes of the public constitutes such a threat. The Board would note that the Joint Committee's objection does not claim that the Board had time to implement these changes pursuant to regular rulemaking procedures, but takes exception to the characterization of a loss of revenue as an emergency. While the Board disagrees with this interpretation it will endeavor to modify its future rulemaking activities consistent with the Joint Committee's interpretation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

College Immunization Code

2) Code Citation:

77 Ill. Adm. Code 694

3) Register Citation to Notice of Proposed Amendments:13 Ill. Reg. 5491 - April 21, 1989 issue of the Illinois Register.4) Date, Time and Location of Public Hearing:

June 19, 1989

10:00 a.m.

First Floor Training Room

Illinois Department of Public Health

525 West Jefferson Street

Springfield, Illinois 62761

(Announced in April 21, 1989 issue of the Illinois Register)

June 21, 1989

10:00 a.m.

Ninth Floor Room 40

State of Illinois Center

Illinois Department of Public Health

100 West Randolph Street

Chicago, Illinois 60601

5) Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed rules. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed rules or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Register Citation to Notice of Proposed Amendments:This issue of the Illinois Register.4) Date, Time and Location of Public Hearing:

June 19, 1989

2:00 p.m.

First Floor Training Room

Illinois Department of Public Health

525 West Jefferson Street

Springfield, Illinois 62761

June 21, 1989

2:00 p.m.

Ninth Floor Room 40

State of Illinois Center

Illinois Department of Public Health

100 West Randolph Street

Chicago, Illinois 60601

5) Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

Pertussis Vaccine Pamphlet Code

2) Code Citation:

77 Ill. Adm. Code 698

3) Register Citation to Notice of Proposed Amendments:This issue of the Illinois Register.4) Date, Time and Location of Public Hearing:

June 21, 1989

3:00 p.m.

Ninth Floor Room 40

State of Illinois Center

Illinois Department of Public Health

100 West Randolph Street, Suite 6-600

Chicago, Illinois 60601

5) Other Pertinent Information:

This rulemaking attempts to specify the reporting requirements for adverse effects associated with pertussis vaccine and the language of an informational pamphlet on pertussis vaccine. These rules require all health care providers to maintain records on the administration of pertussis vaccine recording and reporting to the Department all major adverse reactions. The contents of the informational pamphlet were developed with comments from interested parties and contain information primarily derived from other publications.

This hearing will be for the sole purpose of gathering public comment on the proposed . Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

Plumbers Licensing Code

2) Code Citation:

68 Ill. Adm. Code 750

3) Register Citation to Notice of Proposed Amendments:This issue of the Illinois Register.4) Date, Time and Location of Public Hearing:

June 19, 1989

1:00 p.m.

First Floor Training Room

Illinois Department of Public Health

525 West Jefferson Street

Springfield, Illinois 62761

June 21, 1989

1:00 p.m.

Ninth Floor Room 40

State of Illinois Center

Illinois Department of Public Health

100 West Randolph Street

Chicago, Illinois 60601

5) Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed rules. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

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6) Name and Address of Agency Contact Person:

Questions regarding these proposed rules or public hearings shall be directed to:

Mr. Robert John Kane

Administrative Rules Coordinator

Illinois Department of Public Health

525 West Jefferson, Second Floor

Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Program Content and Guidelines for Title X Family Planning Services

2) Code Citation:

77 Ill. Adm. Code 635

3) Register Citation to Notice of Proposed Amendments:

13 Ill. Reg. 5505 - April 21, 1989 issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

June 19, 1989
11:00 a.m.
First Floor Training Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761

June 21, 1989
11:00 a.m.
Ninth Floor Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph Street
Chicago, Illinois 60601

5) Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

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2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

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4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Retail Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 760

3) Register Citation to Notice of Proposed Amendments:

This issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

June 19, 1989

2:00 p.m.

First Floor Training Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761

June 21, 1989

2:00 p.m.

Ninth Floor Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph Street
Chicago, Illinois 60601

5) Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

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2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

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4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Advisory Councils

Code Citation: 89 Ill. Adm. Code 515

A description of the rule(s): The amendments to 515 promulgate the rules for the establishment and administration of the Independent Living Advisory Council and the Blind Services Planning Council.

Statutory authority: Implementing Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434) and Sections 6.23 and 8 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 6.23 and 8).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: July, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D. (217) 782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer):

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Auxiliary Aids

Code Citation: 89 Ill. Adm. Code 540

A description of the rule(s): Part 540 is being amended to provide for additional services and special programs for visually impaired Illinois residents from funds appropriated from the Assistance to the Blind Fund.

Statutory authority: Implementing and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(k)) and P.A. 85-1282.

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D. (217) 782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer):

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Centers for Independent Living

Code Citation: 89 Ill. Adm. Code 885

A description of the rule(s): This part will be proposed to promulgate rules involving the administration of Centers for Independent Living, which will provide services to persons with disabilities, which services will maximize those persons' independence and integration within their community.

Statutory authority: Implementing and authorized by Section 12a of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par 3434a).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 15, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D. (217)782-5374

Will this rule (amendment, repealer) affect small business? yes

Other pertinent information concerning this rule (amendment, repealer):

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Illinois Visually Handicapped Institute

Code Citation: 89 Ill. Adm. Code 730

A description of the rule(s): Part 730 promulgates the rules and regulations for the administration of the policies and programs of the Illinois Visually Handicapped Institute.

Statutory authority: Implementing and authorized by Sections 3(b), (f), and (i) and 12 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(b), (f) and (i) and 3443).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: December, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D. (217)782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer):

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Non-Financial Eligibility CriteriaCode Citation: 89 Ill. Adm. Code 685

A description of the rule(s): An amendment to Part 685 will be proposed in order to revise the Determination of Need Scale utilized for eligibility in the Home Services Program.

Statutory authority: Implementating and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1983, ch. 23, par. 3434(g)).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: July, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D. (217)782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer):

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Service Plan DevelopmentCode Citation: 89 Ill. Adm. Code 700

A description of the rule(s): Part 700 will be amended to provide for personal care attendants to be paid twice the first month of service only, in accordance with Public Act 85-1282.

Statutory authority: Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g)) and P.A. 85-1282.

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: May, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D. (217)782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer):

DEPARTMENT OF REHABILITATION SERVICES

REGULATORY AGENDA

Heading of the Part: Vending Facility Program for the BlindCode Citation: 89 Ill. Adm. Code 650

A description of the rule(s): Part 650 promulgates the rules and regulations for the implementation and administration of the State of Illinois Vending Facility Program for the Blind.

Statutory authority: Authorized by the Randolph-Sheppard Act, P.L. 74-732, as amended, and implementing "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain Acts herein named," (Ill. Rev. Stat. 1987, ch. 23, pars. 3331 et seq.).

Schedule of dates for hearings, meetings, or other opportunities for public participation:

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: August, 1989

Information concerning this regulatory agenda shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D. (217) 782-5374

Will this rule (amendment, repealer) affect small business? No

Other pertinent information concerning this rule (amendment, repealer): Per provisions of the regulations implementing the Randolph-Sheppard Act, DORS will seek the active participation of the Illinois Committee of Blind Vendors prior to submission of the rules to the Administrative Code Division.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 24, 1989 through April 28, 1989 and have been scheduled for review by the Committee at its June meeting. Other items not contained in this published list may also be considered by the Joint Committee at its June meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/8/89	Department of Agriculture, Farmland Preservation Act (8 Ill. Adm. Code 700)	3/3/89 13 Ill. Reg. 2598	June, 1989
6/8/89	Environmental Protection Agency, General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities (35 Ill. Adm. Code 661)	2/10/89 13 Ill. Reg. 1738	June, 1989
6/9/89	Department of Central Management Services, Merit and Fitness (80 Ill. Adm. Code 302)	6/24/88 12 Ill. Reg. 10569	June, 1989
6/9/89	Department of Public Aid, Application Process (89 Ill. Adm. Code 110)	3/10/89 13 Ill. Reg. 2931	June, 1989
6/12/89	Department of Revenue, Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130)	7/1/88 12 Ill. Reg. 11084	June, 1989
6/12/89	Department of Revenue, Income Tax Regulations (86 Ill. Adm. Code 100)	2/24/89 13 Ill. Reg. 2383	June, 1989
6/12/89	Illinois Commerce Commission Energy Assistance (83 Ill. Adm. Code 281)	2/10/89 13 Ill. Reg. 1647	June, 1989

PROCLAMATION

89-123

State Horseradish Festival Day (Revised)

WHEREAS, the horseradish is an interesting and vital part of Southwestern Illinois and especially the city of Collinsville, the State Horseradish Capital; and

WHEREAS, this area of Illinois, nicknamed the "American Bottoms," produces nearly 75% of the United States' horseradish supply, making our state the leading horseradish grower; and

WHEREAS, coinciding with the completion of spring harvest and planting, the 2nd Annual International Horseradish Festival will be held May 6, 1989, at Woodland Park in Collinsville;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 6, 1989, as STATE HORSERADISH FESTIVAL DAY in Illinois in keeping with the Collinsville celebration.

Issued March 27, 1989. Filed May 1, 1989.

PROCLAMATION

89-189

Youth Workout Day

WHEREAS, the youth of today need to be made aware of the need for and the benefits of being physically fit in order to become alert, healthy adults; and

WHEREAS, Youth Fitness, a free educational program involving more than three million fourth through sixth grade children in 10,000 elementary schools across the United States, is designed to create an awareness of the benefits of being physically fit and to promote fitness in the youth of America; and

WHEREAS, a feature of the program will be a national essay contest, "What Fitness Means to Me." All program activities will promote information about fitness and attempt to motivate students to improve fitness for life; and

WHEREAS, the highlight of the program is National Youth Workout Day, April 27. On this day, parents and teachers will be urged to make at least one change in their child's/students' daily schedule to improve fitness for life;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 27, 1989, as YOUTH WORKOUT DAY in Illinois in conjunction with the national observance.

Issued April 21, 1989. Filed May 1, 1989.

PROCLAMATION
89-190

Disabled American Veterans' Days

PROCLAMATION
89-191

Plant A Living Legacy, A Continuing Dedication

WHEREAS, the Disabled American Veterans, the third largest of the state's veterans organizations, consists of members who have received service-connected disabilities during wartime; and

WHEREAS, this year, Disabled American Veterans will be holding its 67th annual convention in Decatur; and

WHEREAS, our Disabled American Veterans represent a special sector of society-war participants deserving of our pride;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 8-11, 1989, as DISABLED AMERICAN VETERANS' DAYS in Illinois, and wish all participants in the 67th annual convention an enjoyable experience.

Issued April 24, 1989. Filed May 1, 1989.

WHEREAS, members of The Garden Clubs of Illinois, Inc. are concerned with promoting conservation and beautification in our state; and

WHEREAS, they encourage all Illinois citizens to plant trees, shrubs, and vines about their homes, along the highways, and about public grounds; and

WHEREAS, the ending of the Bicentennial Celebration of the signing of the U.S. Constitution should signify the important continuation of Plant a Living Legacy; and

WHEREAS, Arbor Day focuses our attention on planting trees, our living heritage, as trees are our oldest living legacy;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 28, 1989, as the day in Illinois to PLANT A LIVING LEGACY, A CONTINUING DEDICATION and urge all Illinoisans to participate in this meaningful event.

Issued April 24, 1989. Filed May 1, 1989.

PROCLAMATION
89-192

All Presidents Day

PROCLAMATION
89-193

Better Hearing And Speech Month

WHEREAS, on April 30, 1789, George Washington was inaugurated as the United States' first Executive President, an act which represented the official beginning of the Executive Presidency and an act which had a direct impact upon the U.S. Constitution and the organization of our federal government; and

WHEREAS, the history of our Presidents is intertwined with the development and emergence of the United States as a great and respected world power; and

WHEREAS, it is only fitting that all Illinoisans join in paying tribute to those who have occupied the Office of the President;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 30, 1989, as ALL PRESIDENTS DAY in Illinois.

Issued April 25, 1989. Filed May 1, 1989.

WHEREAS, communicative disorders, including hearing loss and speech impairments, constitute our state's number-one disability, affecting more than 1,150,000 Illinoisans; and

WHEREAS, most people with such problems can be helped through medical treatment, surgery, hearing aids or appropriate therapy; and

WHEREAS, Illinois has more than 825 hearing-aid dispensers certified by the Illinois Department of Public Health; and

WHEREAS, increased public awareness will help encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing and speech impairments;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as BETTER HEARING AND SPEECH MONTH in Illinois. In keeping with the national theme, "Better Hearing and Speech Is More Than Child's Play," I urge all citizens of Illinois to learn more about hearing and speech disorders and to join in the effort to create a more enlightened public.

Issued April 25, 1989. Filed May 1, 1989.

PROCLAMATION
89-194

Manufactured Housing Week

WHEREAS, innovative construction methods, attractive financing, and a desire for quality housing have increased the demand for manufactured homes; and

WHEREAS, at approximately one-half the cost of site-built housing, manufactured housing offers a safe, attractive, and affordable avenue to home ownership for Illinois residents; and

WHEREAS, the Illinois Manufactured Housing Association, observing its 40th Anniversary in 1989, has striven for consistent improvement in this industry through innovative land planning, product technology, community development, and consumer awareness; and

WHEREAS, as an integral part of the housing market, the association continues to focus the attention of local and state governments, as well as that of the consumer, on the pioneering efforts of the manufactured housing industry and the desirability of home ownership during May;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-14, 1989, as MANUFACTURED HOUSING WEEK in Illinois, and I encourage the furtherance of innovative housing concepts for the benefit and comfort of our citizens.

Issued April 25, 1989. Filed May 1, 1989.

PROCLAMATION
89-195

Asian American Heritage Month

WHEREAS, the State of Illinois salutes the Asian American community for its contribution to our unique American mosaic; and

WHEREAS, bringing with them the strong and varied traditions of their homelands, Asian Americans have greatly enriched our cultural heritage; and

WHEREAS, Asian Americans have contributed to our nation's progress in a wide range of fields including art, architecture, literature, education, government, law, industry, commerce, medicine, science and technology; and

WHEREAS, together with all who journeyed to this land in pursuit of freedom, liberty and the attainment of the American dream, Asian Americans are a part of creating the ideal American Republic, continually striving for full participation and equal opportunity in all walks of life;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as ASIAN AMERICAN HERITAGE MONTH in Illinois. I urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to the quality of life here in the State of Illinois.

Issued April 27, 1989. Filed May 1, 1989.

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PROCLAMATION

89-196

City Of Hope Day

WHEREAS, the City of Hope pursues a program of medical and scientific excellence through support of the Beckman Research Institute and the National Medical Center; and

WHEREAS, the Beckman Research Institute and the National Medical Center provide leadership in the world of research and compassionate, high quality care for those with cancer and other major diseases to all patients irrespective of geography or ability to pay; and

WHEREAS, findings from the City of Hope's Beckman Research Institute influence medicine and science everywhere, with millions of disease victims benefiting each year from the development of new medical instruments; new diagnostic, therapeutic, and surgical techniques; and new research discoveries; and

WHEREAS, City of Hope scientists and medical staff work together to discover cures, relieve pain, prolong life, and effect cures, while conducting research into the mysteries of biology, immunology, genetics, and the neurosciences; and

WHEREAS, the unique role of the City of Hope is its commitment to excellence, leadership, and love in the conquest of the major diseases which affect mankind;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 3, 1989, as CITY OF HOPE DAY in Illinois.

JCAR - Joint Committee on Administrative Rules
ACTION CODES

- | | |
|---|---|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Ordered by JCAR |
| C - Notice of Corrections | PP - Peremptory or Court ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR objections |

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE PAGE NUMBER ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (212) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agricultural Facilities (P-2571)
- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
- 8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)
- 8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
- 8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)
- 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598) (P-17139/88; A-3653)
- 68 Ill. Adm. Code 600 Grain Dealers (P-19179/88; A-3665)
- 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
- 8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)
- 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-19218/88; A-3685)
- 8 Ill. Adm. Code 230 III. Seed Law (P-3511) (E-4015)
- 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160) (P-19211/88; A-3696)
- 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)
- 8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

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Driving Under the Influence Programs (P-22265/88; A-7274)

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- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)
- 71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283; A-6973)

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- 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)
- 80 Ill. Adm. Code 302 Ment & Fitness (P-1639) (P-15813/88; A-3722)
- 80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)
- 80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402) (P-6853)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
- 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)
- 44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

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- 89 Ill. Adm. Code 334 Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)
- 89 Ill. Adm. Code 385 Background Checks (P-13744/88; A-5917)
- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
- 89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414; R-7483; A-7308)
- 89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)
- 89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)
- 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)
- 89 Ill. Adm. Code 432 Research Involving Children & Families (P-5225)

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- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921) (P-17569/88; A-7324)

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- 2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

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- 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)
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- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)
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 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)
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89-059	Recognizes John G. Gilbert	2888
89-060	Grammy Awards Celebration Day	3205
89-061	Listening Awareness Day	3207
89-062	RP Awareness Day	3208
89-063	St. David's Day	3209
89-064	Women's History Month	3210
89-065	Casimir Pulaski Day	3211
89-066	Ill. State Quartet Convention Week	3212
89-067	Youth Art Month	3503
89-068	Viet Nam Veterans Day	3504
89-069	International Demolay Week	3505
89-070	Agriculture Week	3506
89-071	Herman Bryant Day	3507
89-072	Four Seasons Hotel Chicago Opening Day	3508
89-073	City of Belleville Year	3509
89-074	Shamrocks Against Dystrophy Days in Ill.	3510
89-075	Technical Education Week	4057
89-076	Pharmacy Day	4058
89-077	Arts Education Week	4059
89-078	Biomedical Equipment Technology Week	4060
89-079	U. S. Savings Bond Month	4061
89-080	Congratulates Top Ladies of Distinction	4062
89-081	Earthquake Awareness Week	4063
89-082	Home Center Week	4064
89-083	Junior League of Springfield Appreciation Week	4065
89-084	Licensed Practical Nurse Week	4066
89-085	POW-MIA Day	4067
89-086	Professional Social Work Month	4068
89-087	Rochelle Lee Fund Day	4069
89-088	School Psychology Week	4070
89-089	Call Before You Dig Month	4323
89-090	Ill. Veterans Affairs Day	4324
89-091	Marine Night Fighter Association Days	

PROCLAMATIONS (CONT'D)

89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4325
89-093	Surgical Technologist Week	4326
89-094	Auctioneer's Week	4327
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4328
89-096	Volunteer Week	4329
89-097	Belarusian/Bylorussian Day	4962
89-098	Breastfeeding Promotion Month	4963
89-099	High Blood Pressure Month	4964
89-100	Jesse White Day	4965
89-101	Library Week	4966
89-102	Library Week (Revised)	6823
89-103	Professional Secretaries Week/Professional Secretaries Day	4967
89-104	School Library Day	4968
89-105	Veterinary Medical Education Week	4969
89-106	American Vintage Wristwatch Day	4970
89-107	Gamnia Phi Circus Week	4971
89-108	Ill. Employee Fitness Day	4972
89-109	Parks & Recreation Month	4973
89-110	Building Safety Week	4974
89-111	Groundwater Protection Month	4975
89-112	Ill. Cooperative Extension Day	4976
89-113	Ill. Industry Appreciation Day	4977
89-114	Post Anesthesia Nurse Awareness Week	4978
89-115	Recycling Week	4979
89-116	Public Health Professionals: Peers & Partners Week	4980
89-117	Business Opportunity Days	4981
89-118	Drinking Water Week	4982
89-119	Ill. Science Day	4983
89-120	Irv Kupcinet Day	5212
89-121	Keep America Beautiful Month	5213
89-122	Medical Laboratory Week	5214
89-123	State Horseradish Festival Day	5215
89-124	State Horseradish Festival Day (Revised)	5216
89-125	Stroke Club Day	7505
89-126	United Insurance Company of America Day	5217
89-127	Youth Temperance Education Week	5218
89-128	His Eminence Archbishop Iakovos/30th Anniversary	5219
89-129	Rainbow House/Arco Ins Day	5220
89-130	Days of Remembrance	5221
89-131	Deputy Chief Gerald B. Creed Day	5222
89-132	Lake & Watershed Management Month	5223
89-133	Student Athlete Day	5224
89-134	Corfu-Tasty Gyros, Inc. Day	5823
89-135	Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi	5824
89-136	Ted Liss Day	5825
89-137	New Homes Month	5826
89-138	Queen Isabella Day	5827
89-139	Coin Week	5828
89-140	Hyde Park Art Center Day	5829
89-141	Job's Daughters Week	5830
89-142	Medical Assistants' Week	5831
89-143	Rural Electric Youth Day	5832
89-144	Special Olympics Week	5833
	Ill. Historical Library Month	5834

PROCLAMATIONS (CONT'D)

89-145	Victim Rights Week	5835
89-146	Welcome Home Chuck Marshall Day	5836
89-147	James & Sybil Stockdale Day	5837
89-148	Design-Drafting Week	6824
89-149	Bielarusian Independence Day	6835
89-150	Child Abuse Prevention Month	6836
89-151	Earth Week	6837
89-152	Grade Crossing Safety Week	6838
89-153	Music Week	6839
89-154	Small Business Week	6840
89-155	Adopt-A-Cat Month	6841
89-156	Child Support Awareness Day	6842
89-157	Croatian Independence Day	6843
89-158	Displaced Homemakers' Week	6844
89-159	Food & Beverage Packaging Week	6845
89-160	Food & Beverage Packaging Week (Revised)	7167
89-161	Motorcycle Awareness Month	6846
89-162	Older Americans Month	6847
89-163	Public Service Recognition Week	6848
89-164	Space Development Week	6849
89-165	CMIM7 - Converting Machinery/Materials Day	6850
89-166	Community Mental Health Services Week	6851
89-167	Entrepreneur Achievement Week	6852
89-168	Goodwill Industries Week	6853
89-169	Nursing: The Heartbeat of Health Care Days In Chicago Day	6854
89-170	Pan American Week	6855
89-171	Credit Education Week	6856
89-172	Dr. Jack L. Greider Day	6857
89-173	Commemorates Warsaw Ghetto Uprising	6858
89-174	Day of Prayer	6859
89-175	Municipal Clerks Week	6860
89-176	Subcontractors Month	6861
89-177	Music in Our Schools Month	7168
89-178	Centenarians Day	7169
89-179	Student Council Leadership Week	7170
89-180	Teacher Appreciation Week	7171
89-181	The Year of Recognition for the Institute of Business Designers	7172
89-182	Just Say No Day	7173
89-183	Moscow-Chicago Theatre Exchange Week	7174
89-184	Nursing Home Week	7175
89-185	Enterostomal Therapy Nurses Day	7176
89-186	Nurses' Week	7177
89-187	Bird Appreciation Week	7178
89-188	Stamp Collecting Week	7179
89-189	Stephen A. Forbes Biological Station Day	7180
89-190	Youth Workout Day	7506
89-191	Disabled American Veterans' Days	7507
89-192	Plant a Living Legacy, a Continuing Dedication	7508
89-193	All Presidents Day	7509
89-194	Better Hearing & Speech Month	7510
89-195	Manufactured Housing Week	7511
89-196	Asian American Heritage Month	7512
	City of Hope Day	7513

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 2 (CONT'D)

700.Ap. D	am	(A-5066)	5025.310	n	(A-3747)
850.15	n	(A-1510)	5025.320	n	(A-3747)
850.20	am	(A-1510)	5025.Ap. A	r	(A-3742)
850.30	am	(A-1510)			
850.110	am	(A-1510)			
850.120	am	(A-1510)			
850.130	am	(A-1510)			
850.205	n	(A-1510)			
850.210	am	(A-1510)			
850.220	am	(A-1510)			
850.230	am	(A-1510)			
850.240	am	(A-1510)			
850.Tb. A	am	(A-1510)			
850.Tb. B	am	(A-1510)			
850.Tb. C	am	(A-1510)			
850.Tb. D	am	(A-1510)			
850.Tb. E	am	(A-1510)			
850.Tb. G	am	(A-1510)			
850.Tb. H	am	(A-1510)			
5025.10	r	(A-3742)			
5025.110	n	(A-3747)			
5025.120	n	(A-3747)			
5025.130	n	(A-3747)			
5025.140	n	(A-3747)			
5025.150	n	(A-3747)			
5025.160	n	(A-3747)			
5025.170	n	(A-3747)			
5025.180	n	(A-3747)			
5025.210	r	(A-3747)			
5025.220	r	(A-3742)			
5025.230	r	(A-3742)			

TITLE 8

20.1	am	(P-19178/88; W-2166)
25.20	am	(P-19164/88; A-3628)
25.30	am	(P-19164/88; A-3628)
25.50	am	(P-19164/88; A-3628)
25.130	am	(P-19164/88; A-3628)
75.5	am	(P-19172/88; A-3636)
75.190	am	(P-19172/88; A-3636)
80.10	am	(P-19196/88; A-3676)
80.20	am	(P-19196/88; A-3676)
80.110	am	(P-19196/88; A-3676)
85.5	am	(P-19185/88; A-3642)
85.10	am	(P-19185/88; A-3642)
85.15	am	(P-19185/88; A-3642)
85.50	am	(P-19185/88; A-3642)
85.75	am	(P-19185/88; A-3642)
90.10	am	(P-19201/88; A-3681)
90.110	am	(P-19201/88; A-3681)
105.5	am	(P-20309/88; A-3715)
105.10	am	(P-20309/88; A-3715)
105.30	am	(P-20309/88; A-3715)
110.50	am	(P-19153/88; A-3617)
110.80	am	(P-19153/88; A-3617)
110.90	am	(P-19153/88; A-3617)
110.110	am	(P-19153/88; A-3617)
110.120	am	(P-19153/88; A-3617)
115.10	am	(P-19218/88; A-3685)
115.20	am	(P-19218/88; A-3685)

TITLE 8 (CONT'D)			TITLE 11 (CONT'D)			TITLE 14 (CONT'D)			TITLE 17 (CONT'D)		
125.10	am	(P-228)	437.20	n	(P-1099; O-5802)	520.1030	am	(P-4985)	590.10	am	(P-3221) (E-2224/88; O-3462)
125.60	am	(P-1921/88; A-3696)	437.30	n	(P-1099; O-5802)	570.30	am	(P-2071/87; A-58)	590.30	am	(P-3221)
125.80	am	(P-1921/88; A-3696)	437.40	n	(P-1099; O-5802)	590.10	am	(P-1524/88; A-2028)	590.40	am	(P-3221)
125.260	am	(P-228)	502.40	am	(P-1810/88; A-4931)	590.80	n	(P-1524/88; A-2028)	590.50	am	(P-3221)
125.270	am	(P-228)	502.120	am	(P-1775/88; A-1562)	590.81	n	(P-1524/88; A-2028)	590.60	am	(P-3221)
125.305	am	(P-2160)	502.600	am	(P-1775/88; A-1562)	590.90	n	(P-1524/88; A-2028)	590.60	am	(P-3221)
230.20	am	(P-3511) (E-4015)	1308.20	am	(P-1776/88; O-1268; R-2167; A-2156)	590.91	n	(P-1524/88; A-2028)	590.20	am	(P-4442)
255.10	n	(P-2571)	1308.30	n	(P-1776/88; O-1268; R-2167; A-2156)	590.92	n	(P-1524/88; A-2028)	650.21	am	(P-4442)
255.20	n	(P-2571)	1308.40	n	(P-1776/88; O-1268; R-2167; A-2156)	590.93	n	(P-1524/88; A-2028)	650.22	am	(P-4442)
255.30	n	(P-2571)	1409.120	am	(P-1776/88; O-1266; R-1906; A-1841)	620.10	am	(P-1479/88; A-1758)	650.40	am	(P-4442)
255.40	n	(P-2571)	1409.130	am	(P-1776/88; O-1266; R-1906; A-1841)	620.30	am	(P-1479/88; A-1758)	650.50	am	(P-4442)
255.50	n	(P-2571)	1409.132	r	(P-1776/88; A-1841)	620.40	am	(P-1479/88; A-1758)	650.60	am	(P-4442)
255.100	n	(P-2571)	1410.10	am	(P-4345/88; A-1846)	620.50	am	(P-1479/88; A-1758)	670.20	am	(P-5052)
255.110	n	(P-2571)	1410.15	r	(P-4345/88; A-1846)	620.60	am	(P-1479/88; A-1758)	670.30	am	(P-5052)
255.130	n	(P-2571)	1770.10	n	(P-10298/88; O-3419)	620.70	am	(P-1479/88; A-1758)	670.40	am	(P-5052)
255.140	n	(P-2571)	1770.20	n	(P-10298/88; O-3419)	620.80	am	(P-1479/88; A-1758)	670.50	am	(P-5052)
255.150	n	(P-2571)	1770.30	n	(P-10298/88; O-3419)	620.90	am	(P-1479/88; A-1758)	670.55	am	(P-5052)
255.160	n	(P-2571)	1770.40	n	(P-10298/88; O-3419)	630.20	am	(P-4987/88; A-4164)	670.60	am	(P-5052)
255.170	n	(P-2571)	1770.50	n	(P-10298/88; O-3419)	630.40	am	(P-4987/88; A-4164)	690.30	am	(P-2641)
255.200	n	(P-2571)	1770.60	n	(P-10298/88; O-3419)	630.60	am	(P-4987/88; A-4164)	710.10	am	(P-20993/88; A-5090)
255.250	n	(P-2571)	1770.70	n	(P-10298/88; O-3419)	630.80	am	(P-4987/88; A-4164)	710.20	am	(P-20993/88; A-5090)
255.260	n	(P-2571)	1770.80	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	710.30	am	(P-20993/88; A-5090)
255.270	n	(P-2571)	1770.90	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	710.40	am	(P-20993/88; A-5090)
255.280	am	(P-19806/88; A-3703)	1770.100	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	710.50	am	(P-20993/88; A-5090)
255.310	am	(P-19806/88; A-3703)	1770.110	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	720.10	am	(P-4435)
700.Ap. F	am	(P-2598)	1770.120	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	720.20	am	(P-4435)
700.Ap. G	am	(P-17139/88; A-3653)	1770.130	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	720.30	am	(P-4435)
700.Ap. I	am	(P-14786/88; A-285)	1770.140	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	720.40	am	(P-4435)
1400.147	am	(P-5545/88; A-2440)	1770.150	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	730.20	am	(P-2609)
1400.149	am	(P-5545/88; A-2440)	1770.160	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	730.30	am	(P-2609)
			1770.170	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	740.10	am	(P-4458)
			1770.180	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	740.20	am	(P-4458)
			1770.190	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	810.30	am	(P-1690)
			1770.200	n	(P-10298/88; O-3419)	630.90	am	(P-4987/88; A-4164)	810.40	am	(P-1690)
						630.90	am	(P-4987/88; A-4164)	810.70	am	(P-1690)
						630.90	am	(P-4987/88; A-4164)	870.10	r	(P-3264)
						630.90	am	(P-4987/88; A-4164)	870.10	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.15	r	(P-3264)
						630.90	am	(P-4987/88; A-4164)	870.20	r	(P-3264)
						630.90	am	(P-4987/88; A-4164)	870.20	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.30	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.30	r	(P-3264)
						630.90	am	(P-4987/88; A-4164)	870.40	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.50	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.60	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	870.70	n	(P-3213)
						630.90	am	(P-4987/88; A-4164)	930.45	am	(P-3262)
						630.90	am	(P-4987/88; A-4164)	1010.25	am	(P-20325/88; A-4179)
						630.90	am	(P-4987/88; A-4164)	1010.30	am	(P-20325/88; A-4179)
						630.90	am	(P-4987/88; A-4164)	1050.20	am	(P-20335/88; A-3755)
						630.90	am	(P-4987/88; A-4164)	1050.25	am	(P-20335/88; A-3755)
						630.90	am	(P-4987/88; A-4164)	1050.30	am	(P-20335/88; A-3755)
						630.90	am	(P-4987/88; A-4164)	1050.40	am	(P-20335/88; A-3755)
						630.90	am	(P-4987/88; A-4164)	1050.50	am	(P-20335/88; A-3755)
						630.90	am	(P-4987/88; A-4164)	1560.10	n	(P-2626)
						630.90	am	(P-4987/88; A-4164)	1560.20	n	(P-2626)
						630.90	am	(P-4987/88; A-4164)	1560.30	n	(P-2626)
						630.90	am	(P-4987/88; A-4164)	1560.40	n	(P-2626)
						630.90	am	(P-4987/88; A-4164)	1560.50	n	(P-2626)
						630.90	am	(P-4987/88; A-4164)	1560.60	n	(P-2626)

TITLE 35 (CONT'D)		
378.102	n	(P-12753/88; A-1190)
378.103	n	(P-12753/88; A-1190)
378.201	n	(P-12753/88; A-1190)
378.202	n	(P-12753/88; A-1190)
378.203	n	(P-12753/88; A-1190)
378.204	n	(P-12753/88; A-1190)
378.301	n	(P-12753/88; A-1190)
378.302	n	(P-12753/88; A-1190)
378.Ap. A	n	(P-12753/88; A-1190)
378.Ap. B	n	(P-12753/88; A-1190)
378.Ap. C	n	(P-12753/88; A-1190)
378.Ap. D	n	(P-12753/88; A-1190)
378.Ap. E	n	(P-12753/88; A-1190)
601.105	am	(P-262)
604.203	am	(P-255)
605.104	am	(P-269; P-2539)
661.302	am	(P-1738)
703.123	am	(P-15444/88; A-447)
704.143	am	(P-1767/88; A-478)
720.110	am	(P-15327/88; A-362)
720.111	am	(P-1537/88; A-362)
721.104	am	(P-1534/88; A-382)
721.105	am	(P-15347/88; A-382)
721.133	am	(P-15347/88; A-382)
721.Ap. H	am	(P-15347/88; A-382)
722.110	am	(P-15449/88; A-452)
722.151	am	(P-15449/88; A-452)
724.101	am	(P-15455/88; A-458)
724.Ap. I	am	(P-15455/88; A-458)
725.101	am	(P-15402/88; A-437)
731.101	r	(P-2650)
731.101	r	(P-6861)
731.102	r	(P-6861)
731.102	r	(P-2650)
731.103	r	(P-2650)
731.103	r	(P-6861)
731.110	n	(P-2650)
731.111	n	(P-2650)
731.112	n	(P-2650)
731.113	n	(P-2650)
731.114	n	(P-2650)
731.120	n	(P-2650)
731.121	n	(P-2650)
731.122	n	(P-2650)
731.130	n	(P-2650)
731.131	n	(P-2650)
731.132	n	(P-2650)
731.133	n	(P-2650)
731.134	n	(P-2650)
731.140	n	(P-2650)
731.141	n	(P-2650)
731.142	n	(P-2650)
731.143	n	(P-2650)
731.144	n	(P-2650)
731.145	n	(P-2650)
731.150	n	(P-2650)

TITLE 35 (CONTD)		
731.151	n	(P-2650)
731.152	n	(P-2650)
731.153	n	(P-2650)
731.160	n	(P-2650)
731.161	n	(P-2650)
731.162	n	(P-2650)
731.163	n	(P-2650)
731.164	n	(P-2650)
731.165	n	(P-2650)
731.166	n	(P-2650)
731.167	n	(P-2650)
731.170	n	(P-2650)
731.171	n	(P-2650)
731.172	n	(P-2650)
731.173	n	(P-2650)
731.174	n	(P-2650)
731.190	n	(P-6861)
731.191	n	(P-6861)
731.192	n	(P-6861)
731.193	n	(P-6861)
731.194	n	(P-6861)
731.195	n	(P-6861)
731.196	n	(P-6861)
731.197	n	(P-6861)
731.198	n	(P-6861)
731.199	n	(P-6861)
731.202	n	(P-6861)
731.203	n	(P-6861)
731.204	n	(P-6861)
731.205	n	(P-6861)
731.206	n	(P-6861)
731.207	n	(P-6861)
731.208	n	(P-6861)
731.209	n	(P-6861)
731.210	n	(P-6861)
731.211	n	(P-6861)
731.900	r	(P-2650)
731.901	r	(P-6861)
731.902	r	(P-6861)
731.903	r	(P-6861)
731.904	r	(P-6861)
731.905	r	(P-6861)
731.906	r	(P-6861)
731.907	r	(P-6861)
731.908	r	(P-6861)
731.909	r	(P-6861)
731.910	r	(P-6861)
731.911	r	(P-6861)
731.912	r	(P-6861)
731.913	r	(P-6861)
731.914	r	(P-6861)
731.915	r	(P-6861)
731.916	r	(P-6861)
731.917	r	(P-6861)
731.918	r	(P-6861)
731.919	r	(P-6861)
731.920	r	(P-6861)
731.921	r	(P-6861)
731.922	r	(P-6861)
731.923	r	(P-6861)
731.924	r	(P-6861)
731.925	r	(P-6861)
731.926	r	(P-6861)
731.927	r	(P-6861)
731.928	r	(P-6861)
731.929	r	(P-6861)
731.930	r	(P-6861)
731.931	r	(P-6861)
731.932	r	(P-6861)
731.933	r	(P-6861)
731.934	r	(P-6861)
731.935	r	(P-6861)
731.936	r	(P-6861)
731.937	r	(P-6861)
731.938	r	(P-6861)
731.939	r	(P-6861)
731.940	r	(P-6861)
731.941	r	(P-6861)
731.942	r	(P-6861)
731.943	r	(P-6861)
731.944	r	(P-6861)
731.945	r	(P-6861)
731.946	r	(P-6861)
731.947	r	(P-6861)
731.948	r	(P-6861)
731.949	r	(P-6861)
731.950	r	(P-6861)
731.951	r	(P-6861)
731.952	r	(P-6861)
731.953	r	(P-6861)
731.954	r	(P-6861)
731.955	r	(P-6861)
731.956	r	(P-6861)
731.957	r	(P-6861)
731.958	r	(P-6861)
731.959	r	(P-6861)
731.960	r	(P-6861)
731.961	r	(P-6861)
731.962	r	(P-6861)
731.963	r	(P-6861)
731.964	r	(P-6861)
731.965	r	(P-6861)
731.966	r	(P-6861)
731.967	r	(P-6861)
731.968	r	(P-6861)
731.969	r	(P-6861)
731.970	r	(P-6861)
731.971	r	(P-6861)
731.972	r	(P-6861)
731.973	r	(P-6861)
731.974	r	(P-6861)
731.975	r	(P-6861)
731.976	r	(P-6861)
731.977	r	(P-6861)
731.978	r	(P-6861)
731.979	r	(P-6861)
731.980	r	(P-6861)
731.981	r	(P-6861)
731.982	r	(P-6861)
731.983	r	(P-6861)
731.984	r	(P-6861)
731.985	r	(P-6861)
731.986	r	(P-6861)
731.987	r	(P-6861)
731.988	r	(P-6861)
731.989	r	(P-6861)
731.990	r	(P-6861)
731.991	r	(P-6861)
731.992	r	(P-6861)
731.993	r	(P-6861)
731.994	r	(P-6861)
731.995	r	(P-6861)
731.996	r	(P-6861)
731.997	r	(P-6861)
731.998	r	(P-6861)
731.999	r	(P-6861)
731.900	r	(P-2650)
731.901	r	(P-6861)
731.902	r	(P-6861)
731.903	r	(P-6861)
731.904	r	(P-6861)
731.905	r	(P-6861)
731.906	r	(P-6861)
731.907	r	(P-6861)
731.908	r	(P-6861)
731.909	r	(P-6861)
731.910	r	(P-6861)
731.911	r	(P-6861)
731.912	r	(P-6861)
731.913	r	(P-6861)
731.914	r	(P-6861)
731.915	r	(P-6861)
731.916	r	(P-6861)
731.917	r	(P-6861)
731.918	r	(P-6861)
731.919	r	(P-6861)
731.920	r	(P-6861)
731.921	r	(P-6861)
731.922	r	(P-6861)
731.923	r	(P-6861)
731.924	r	(P-6861)
731.925	r	(P-6861)
731.926	r	(P-6861)
731.927	r	(P-6861)
731.928	r	(P-6861)
731.929	r	(P-6861)
731.930	r	(P-6861)
731.931	r	(P-6861)
731.932	r	(P-6861)
731.933	r	(P-6861)
731.934	r	(P-6861)
731.935	r	(P-6861)
731.936	r	(P-6861)
731.937	r	(P-6861)
731.938	r	(P-6861)
731.939	r	(P-6861)
731.940	r	(P-6861)
731.941	r	(P-6861)
731.942	r	(P-6861)
731.943	r	(P-6861)
731.944	r	(P-6861)
731.945	r	(P-6861)
731.946	r	(P-6861)
731.947	r	(P-6861)
731.948	r	(P-6861)
731.949	r	(P-6861)
731.950	r	(P-6861)
731.951	r	(P-6861)
731.952	r	(P-6861)
731.953	r	(P-6861)
731.954	r	(P-6861)
731.955	r	(P-6861)
731.956	r	(P-6861)
731.957	r	(P-6861)
731.958	r	(P-6861)
731.959	r	(P-6861)
731.960	r	(P-6861)
731.961	r	(P-6861)
731.962	r	(P-6861)
731.963	r	(P-6861)
731.964	r	(P-6861)
731.965	r	(P-6861)
731.966	r	(P-6861)
731.967	r	(P-6861)
731.968	r	(P-6861)
731.969	r	(P-6861)
731.970	r	(P-6861)
731.971	r	(P-6861)
731.972	r	(P-6861)
731.973	r	(P-6861)
731.974	r	(P-6861)
731.975	r	(P-6861)
731.976	r	(P-6861)
731.977	r	(P-6861)
731.978	r	(P-6861)
731.979	r	(P-6861)
731.980	r	(P-6861)
731.981	r	(P-6861)
731.982	r	(P-6861)
731.983	r	(P-6861)
731.984	r	(P-6861)
731.985	r	(P-6861)
731.986	r	(P-6861)
731.987	r	(P-6861)
731.988	r	(P-6861)
731.989	r	(P-6861)
731.990	r	(P-6861)
731.991	r	(P-6861)
731.992	r	(P-6861)
731.993	r	(P-6861)
731.994	r	(P-6861)
731.995	r	(P-6861)
731.996	r	(P-6861)
731.997	r	(P-6861)
731.998	r	(P-6861)
731.999	r	(P-6861)
731.900	r	(P-2650)
731.901	r	(P-6861)
731.902	r	(P-6861)
731.903	r	(P-6861)
731.904	r	(P-6861)
731.905	r	(P-6861)
731.906	r	(P-6861)
731.907	r	(P-6861)
731.908	r	(P-6861)
731.909	r	(P-6861)
731.910	r	(P-6861)
731.911	r	(P-6861)
731.912	r	(P-6861)
731.913	r	(P-6861)
731.914	r	(P-6861)
731.915	r	(P-6861)
731.916	r	(P-6861)
731.917	r	(P-6861)
731.918	r	(P-6861)
731.919	r	(P-6861)
731.920	r	(P-6861)
731.921	r	(P-6861)
731.922	r	(P-6861)
731.923	r	(P-6861)
731.924	r	(P-6861)
731.925	r	(P-6861)
731.926	r	(P-6861)
731.927	r	(P-6861)
731.928	r	(P-6861)
731.929	r	(P-6861)
731.930	r	(P-6861)
731.931	r	(P-6861)
731.932	r	(P-6861)
731.933	r	(P-6861)
731.934	r	(P-6861)
731.935	r	(P-6861)
731.936	r	(P-6861)
731.937	r	(P-6861)
731.938	r	(P-6861)
731.939	r	(P-6861)
731.940	r	(P-6861)
731.941	r	(P-6861)
731.942	r	(P-6861)
731.943	r	(P-6861)
731.944	r	(P-6861)
731.945	r	(P-6861)
731.946	r	(P-6861)
731.947	r	(P-6861)
731.948	r	(P-6861)
731.949	r	(P-6861)
731.950	r	(P-6861)
731.951	r	(P-6861)
731.952	r	(P-6861)
731.953	r	(P-6861)
731.954	r	(P-6861)
731.955	r	(P-6861)
731.956	r	(P-6861)
731.957	r	(P-6861)
731.958	r	(P-6861)
731.959	r	(P-6861)
731.960	r	(P-6861)
731.961	r	(P-6861)
731.962	r	(P-6861)
731.963	r	(P-6861)
731.964	r	(P-6861)
731.965	r	(P-6861)
731.966	r	(P-6861)
731.967	r	(P-6861)
731.968	r	(P-6861)
731.969	r	(P-6861)
731.970	r	(P-6861)
731.971	r	(P-6861)
731.972	r	(P-6861)
731.973	r	(P-6861)
731.974	r	(P-6861)
731.975	r	(P-6861)
731.976	r	(P-6861)
731.977	r	(P-6861)
731.978	r	(P-6861)
731.979	r	(P-6861)
731.980	r	(P-6861)
731.981	r	(P-6861)
731.982	r	(P-6861)
731.983	r	(P-6861)
731.984	r	(P-6861)
731.985	r	(P-6861)
731.986	r	(P-6861)
731.987	r	(P-6861)
731.988	r	(P-6861)
731.989	r	(P-6861)
731.990	r	(P-6861)
731.991	r	(P-6861)
731.992	r	(P-6861)
731.993	r	(P-6861)
731.994	r	(P-6861)
731.995	r	(P-6861)
731.996	r	(P-6861)
731.997	r	(P-6861)
731.998	r	(P-6861)
731.999	r	(P-6861)
731.900	r	(P-2650)
731.901	r	(P-6861)
731.902	r	(P-6861)
731.903	r	(P-6861)
731.904	r	(P-6861)
731.905	r	(P-6861)
731.906	r	(P-6861)
731.907	r	(P-6861)
731.908	r	(P-6861)
731.909	r	(P-6861)
731.910	r	(P-6861)
731.911	r	(P-6861)
731.912	r	(P-6861)
731.913	r	(P-6861)
731.914	r	(P-6861)
731.915	r	(P-6861)
731.916	r	(P-6861)
731.917	r	(P-6861)
731.918	r	(P-6861)
731.919	r	(P-6861)
731.920	r	(P-6861)
731.921	r	(P-6861)
731.922	r	(P-6861)
731.923	r	(P-6861)
731.924	r	(P-6861)
731.925	r	(P-6861)
731.926	r	(P-6861)
731.927	r	(P-6861)
731.928	r	(P-6861)
731.929	r	(P-6861)
731.930	r	(P-6861)
731.931	r	(P-6861)
731.932	r	(P-6861)
731.933	r	(P-6861)
731.934	r	(P-6861)
731.935	r	(P-6861)
731.936	r	(P-6861)
731.937	r	(P-6861)
731.938	r	(P-6861)
731.939	r	(P-6861)
731.940	r	(P-6861)
731.941	r	(P-6861)
731.942	r	(P-6861)
731.943	r	(P-6861)
731.944	r	(P-6861)
731.945	r	(P-6861)
731.946	r	(P-6861)
731.947	r	(P-6861)
731.948	r	(P-6861)
731.949	r	(P-6861)
731.950		

TITLE 38 (CONT'D)			
190.70	am	(P-4107)	
190.140	am	(P-14097/88; O-22489/88; R-966; A-3793)	
190.160	am	(P-14097/88; O-22489/88; R-966; A-3793)	
190.165	n	(P-4107)	
190.180	am	(P-14097/88; O-22489/88; R-966; A-3793) (P-4107)	
303.10	n	(P-2889)	
303.20	n	(P-2889)	
400.110	am	(P-1985)	
400.120	am	(P-1985)	
400.130	am	(P-1985)	
400.140	r	(P-1985)	
400.141	am	(P-1985)	
400.142	am	(P-1985)	
400.150	am	(P-1985)	
400.440	am	(P-1985)	
400.510	am	(P-1985)	
400.615	am	(P-1985)	
400.665	am	(P-1985)	
400.675	r	(P-1985)	
400.710	am	(P-1985)	
400.1020	am	(P-1985)	
400.1030	am	(P-1985)	
400.1060	am	(P-1985)	
400.1110	am	(P-1985)	
400.1120	am	(P-1985)	
400.1140	r	(P-1985)	
400.1530	am	(P-1985)	
400.1550	am	(P-1985)	
400.2010	am	(P-1985)	
400.2055	n	(P-1985)	
400.2500	am	(P-1985)	
400.2510	am	(P-1985)	
400.2520	am	(P-1985)	
400.2700	n	(P-1985)	
400.2710	n	(P-1985)	
TITLE 41			
100.110	n	(E-582) (P-1323)	
170.10	am	(P-1756) (E-1886)	
170.71	n	(P-1756) (E-1886)	
170.72	n	(P-1756) (E-1886)	
170.73	n	(P-1756) (E-1886)	
170.75	am	(P-1756) (E-1886)	
170.75	#	(A-5669)	
170.106	n	(P-1756) (E-1886)	
170.107	n	(P-1756) (E-1886)	
170.108	n	(P-1756) (E-1886)	
170.400	n	(A-5669)	
170.410	n	(A-5669)	
170.420	n	(A-5669)	
170.430	n	(A-5669)	
170.440	n	(A-5669)	
170.450	n	(A-5669)	

TITLE 41 (CONT'D)		
170.460	n	(A-5669)
170.470	n	(A-5669)
170.480	n	(A-5669)
170.490	n	(A-5669)
170.500	n	(A-5669)
170.510	n	(A-5669)
170.520	n	(A-5669)
170.530	n	(A-5669)
170.540	n	(A-5669)
170.550	n	(A-5669)
170.560	n	(A-5669)
170.570	n	(A-5669)
170.580	n	(A-5669)
170.590	n	(A-5669)
170.600	n	(A-5669)
170.610	n	(A-5669)
170.620	n	(A-5669)
170.630	n	(A-5669)
170.640	n	(A-5669)
170.650	n	(A-5669)
170.660	n	(A-5669)
170.670	#	(A-5669)
170.670	am	(A-5669)
170.71b, A	n	(A-5669)
170.71b, B	n	(A-5669)
180.10	am	(E-1875; O-3807)
180.110	am	(P-1754) (E-1875)
180.20	am	(E-1875; O-3807)
180.20	am	(P-1754) (E-1875)
180.25	n	(E-1875; O-3807)
180.25	n	(P-1754) (E-1875)

TITLE 50 (CONT'D)			TITLE 56 (CONT'D)			TITLE 68 (CONT'D)		
6701.30	n	(P-17617/88; A-5951)	2765.328	n	(P-5375)	750.3030	n	(P-6949)
6701 Ex. A	n	(P-17617/88; A-5951)	2765.330	n	(P-5375)	750.3040	r	(P-6934)
			2765.332	n	(P-5375)	750.3040	n	(P-6949)
			2765.333	n	(P-5375)	750.3050	n	(P-6934)
			2765.334	n	(P-5375)	750.3060	n	(P-6949)
			2765.335	n	(P-5375)	750.3060	n	(P-6934)
			2770.105	am	(P-743)	750.3070	n	(P-6949)
			2905.1	am	(P-2229)	750.4000	r	(P-6934)
			2905.15	am	(P-2229)	750.4010	r	(P-6934)
			2905.25	r	(P-2229)	750.4020	r	(P-6934)
			2905.40	n	(P-2229)	750.4030	r	(P-6934)
			2920.68	n	(P-2229/88; A-5936)	750.4040	r	(P-6934)
			2960.105	am	(P-17; A-5940)	750.4050	r	(P-6934)
						750.4060	r	(P-6934)
						750.4070	r	(P-6934)
						750.5000	r	(P-6934)
						750.5080	r	(P-6934)
						1175.425	am	(E-6810)
						1175.602	am	(E-6810)
						1220.110	am	(P-5867/88; A-4191)
						1220.120	am	(P-5867/88; A-4191)
						1220.130	am	(P-5867/88; A-4191)
						1220.140	am	(P-5398)
						1220.150	r	(P-5867/88; A-4191)
						1220.160	n	(P-5867/88; A-4191)
						1220.220	am	(P-5867/88; A-4191)
						1220.231	am	(P-5867/88; A-4191)
						1220.240	am	(P-5867/88; A-4191)
						1220.260	n	(P-5867/88; A-4191)
						1220.340	r	(P-5867/88; A-4191)
						1220.350	n	(P-5867/88; A-4191)
						1220.400	n	(P-5867/88; A-4191)
						1220.410	n	(P-5867/88; A-4191)
						1220.410	n	(P-5867/88; A-4191)
						1220.421	am	(P-5867/88; A-4191)
						1220.425	n	(P-5867/88; A-4191)
						1220.431	r	(P-5867/88; A-4191)
						1220.435	am	(P-5867/88; A-4191)
						1220.500	n	(P-5867/88; A-4191)
						1220.510	n	(P-5867/88; A-4191)
						1220.520	n	(P-5867/88; A-4191)
						1220.530	n	(P-5867/88; A-4191)
						1220.540	n	(P-5867/88; A-4191)
						1220.550	n	(P-5867/88; A-4191)
						1220.560	n	(P-5867/88; A-4191)
						1220.560	r	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)
						1220.560	am	(P-5867/88; A-4191)

TITLE 77 (CONTD)	
450.05	n (P-2249)
450.10	am (P-2249)
450.20	am (P-2249)
450.30	am (P-2249)
450.35	n (P-2249)
450.40	n (P-2249)
450.50	n (P-2249)
450.210	am (P-2249)
450.220	am (P-2249)
450.230	am (P-2249)
450.310	am (P-2249)
450.320	am (P-2249)
450.330	am (P-2249)
450.410	am (P-2249)
450.420	am (P-2249)
450.430	am (P-2249)
450.440	am (P-2249)
450.440	n (P-19327788; A-4285)
450.450	am (P-2249)
450.450	n (P-19327788; A-4285)
450.510	am (P-2249)
450.520	am (P-2249)
450.530	r (P-2249)
450.540	r (P-2249)
450.550	r (P-2249)
450.560	r (P-2249)
450.570	r (P-2249)
450.610	am (P-2249)
450.710	am (P-2249)
450.720	am (P-2249)
450.730	am (P-2249)
450.810	r (P-2249)
450.820	r (P-2249)
450.830	r (P-2249)
450.835	r (P-2249)
450.840	r (P-2249)
450.845	r (P-2249)
450.848	r (P-2249)
450.850	r (P-2249)
450.860	r (P-2249)
450.870	r (P-2249)
450.920	am (P-2249)
450.930	am (P-2249)
450.940	am (P-2249)
450.950	am (P-2249)
450.1010	am (P-2249)
450.1110	am (P-2249)
450.1120	am (P-2249)
450.1130	am (P-2249)
450.1140	am (P-2249)
450.1150	am (P-2249)
450.1155	am (P-2249)
450.1200	am (P-2249)
450.1300	am (P-2249)
450.1300	n (P-19327788; A-4285)
450.1310	am (P-2249)

TITLE	77	(CONTD)
450.1310	n	(P-19327/88; A-4285)
450.1320	am	(P-2249)
450.1320	n	(P-19327/88; A-4285)
450.1330	am	(P-2249)
450.1330	n	(P-19327/88; A-4285)
450.Ap. A	n	(P-2249)
450.Ap. B	n	(P-2249)
490.10	n	(P-2974)
490.20	n	(P-2974)
490.30	n	(P-2974)
490.40	n	(P-2974)
490.210	n	(P-2974)
490.220	n	(P-2974)
490.230	n	(P-2974)
490.310	n	(P-2974)
490.320	n	(P-2974)
490.330	n	(P-2974)
490.410	n	(P-2974)
490.420	n	(P-2974)
490.430	n	(P-2974)
490.440	n	(P-2974)
490.510	n	(P-2974)
490.520	n	(P-2974)
490.610	n	(P-2974)
490.620	n	(P-2974)
490.710	n	(P-2974)
490.720	n	(P-2974)
490.730	n	(P-2974)
490.740	n	(P-2974)
490.750	n	(P-2974)
490.760	n	(P-2974)
490.770	n	(P-2974)
490.780	n	(P-2974)
490.810	n	(P-2974)
490.820	n	(P-2974)
490.830	n	(P-2974)
490.840	n	(P-2974)
490.910	n	(P-2974)
535.10	am	(P-4500)
535.20	am	(P-4126) (P-4500)
535.150	am	(P-4126)
535.200	am	(P-4126)
535.240	am	(P-4126)
535.400	am	(P-4126)
535.410	am	(P-4126)
535.420	am	(P-4126)
535.430	am	(P-4126)
535.800	n	(P-4126)
535.810	n	(P-4126)
535.820	n	(P-4126)
535.830	n	(P-4126)
535.840	n	(P-4126)
535.850	n	(P-4126)
535.860	n	(P-4126)
535.870	n	(P-4126)
535.900	n	(P-4500)

TITLE 77 (CONT'D)		
535.910	n	(P-4500)
535.920	n	(P-4500)
535.930	n	(P-4500)
535.931	n	(P-4500)
535.932	n	(P-4500)
535.933	n	(P-4500)
535.934	n	(P-4500)
535.935	n	(P-4500)
535.936	n	(P-4500)
535.940	n	(P-4500)
535.941	n	(P-4500)
535.942	n	(P-4500)
535.943	n	(P-4500)
535.950	n	(P-4500)
535.951	n	(P-4500)
535.952	n	(P-4500)
535.953	n	(P-4500)
540.10	am	(P-4616)
540.30	am	(P-4616)
540.40	am	(P-4616)
540.50	am	(P-4616)
540.70	am	(P-4616)
540.80	am	(P-4616)
540.90	am	(P-4616)
540.160	am	(P-4616)
540.190	n	(P-4544/88; A-3086)
542.10	n	(P-4544/88; A-3086)
542.20	n	(P-4544/88; A-3086)
542.30	n	(P-4544/88; A-3086)
542.50	n	(P-4544/88; A-3086)
542.60	n	(P-4544/88; A-3086)
542.70	n	(P-4544/88; A-3086)
542.80	n	(P-4544/88; A-3086)
542.90	n	(P-4544/88; A-3086)
542.100	n	(P-4544/88; A-3086)
635.20	am	(P-5505)
635.30	am	(P-5505)
635.35	n	(P-5505)
635.40	am	(P-5505)
635.50	am	(P-5505)
635.60	am	(P-5505)
635.70	am	(P-5505)
635.80	am	(P-5505)
635.90	am	(P-5505)
635.110	am	(P-5505)
635.130	am	(P-5505)
635.140	am	(P-5505)
635.150	am	(P-5505)
635.160	am	(P-5505)
635.170	am	(P-5505)
635.180	am	(P-5505)
635.190	n	(P-5505)
635.Ap. A	n	(P-5505)
635.Ap. B	n	(P-5505)
635.Ap. C	n	(P-5505)

TITLE 77 (CONT'D)	
661.10	am (P-3599)
661.15	am (P-3599)
661.20	am (P-3599)
661.30	am (P-3599)
661.35	am (P-3599)
661.40	am (P-3599)
661.50	am (P-3599)
694.10	n (P-5491)
694.20	n (P-5491)
694.100	n (P-5491)
694.110	n (P-5491)
694.120	n (P-5491)
694.200	n (P-5491)
694.210	n (P-5491)
694.220	n (P-5491)
694.230	n (P-5491)
694.240	n (P-5491)
694.250	n (P-5491)
694.260	n (P-5491)
694.270	n (P-5491)
694.280	n (P-5491)
694.290	n (P-5491)
694.300	n (P-5491)
694.310	n (P-5491)
694.320	n (P-5491)
694.330	n (P-5491)
694.340	n (P-5491)
694.350	n (P-5491)
694.360	n (P-5491)
694.370	n (P-5491)
694.380	n (P-5491)
694.390	n (P-5491)
694.400	n (P-5491)
694.410	n (P-5491)
694.420	n (P-5491)
694.430	n (P-5491)
694.440	n (P-5491)
694.450	n (P-5491)
694.460	n (P-5491)
694.470	n (P-5491)
694.480	n (P-5491)
694.490	n (P-5491)
694.500	n (P-5491)
694.510	n (P-5491)
694.520	n (P-5491)
694.530	n (P-5491)
694.540	n (P-5491)
694.550	n (P-5491)
694.560	n (P-5491)
694.570	n (P-5491)
694.580	n (P-5491)
694.590	n (P-5491)
694.600	n (P-5491)
694.610	n (P-5491)
694.620	n (P-5491)
694.630	n (P-5491)
694.640	n (P-5491)
694.650	n (P-5491)
694.660	n (P-5491)
694.670	n (P-5491)
694.680	n (P-5491)
694.690	n (P-5491)
694.700	n (P-5491)
694.710	n (P-5491)
694.720	n (P-5491)
694.730	n (P-5491)
694.740	n (P-5491)
694.750	n (P-5491)
694.760	n (P-5491)
694.770	n (P-5491)
694.780	n (P-5491)
694.790	n (P-5491)
694.800	n (P-5491)
694.810	n (P-5491)
694.820	n (P-5491)
694.830	n (P-5491)
694.840	n (P-5491)
694.850	n (P-5491)
694.860	n (P-5491)
694.870	n (P-5491)
694.880	n (P-5491)
694.890	n (P-5491)
694.900	n (P-5491)
694.910	n (P-5491)
694.920	n (P-5491)
694.930	n (P-5491)
694.940	n (P-5491)
694.950	n (P-5491)
694.960	n (P-5491)
694.970	n (P-5491)
694.980	n (P-5491)
694.990	n (P-5491)
695.000	n (P-5491)
695.010	n (P-5491)
695.020	n (P-5491)
695.030	n (P-5491)
695.040	n (P-5491)
695.050	n (P-5491)
695.060	n (P-5491)
695.070	n (P-5491)
695.080	n (P-5491)
695.090	n (P-5491)
695.100	n (P-5491)
695.110	n (P-5491)
695.120	n (P-5491)
695.130	n (P-5491)
695.140	n (P-5491)
695.150	n (P-5491)
695.160	n (P-5491)
695.170	n (P-5491)
695.180	n (P-5491)
695.190	n (P-5491)
695.200	n (P-5491)
695.210	n (P-5491)
695.220	n (P-5491)
695.230	n (P-5491)
695.240	n (P-5491)
695.250	n (P-5491)
695.260	n (P-5491)
695.270	n (P-5491)
695.280	n (P-5491)
695.290	n (P-5491)
695.300	n (P-5491)

TITLE 77 (CONT'D)

890.3070	n	(P-4543)	
890.3080	n	(P-4543)	
890.3090	n	(P-4543)	
890.4000	n	(P-4543)	
1100.40	r	(P-5596)	
1100.220	am	(P-5596)	
1100.560	am	(P-5596)	
1100.570	am	(P-5596)	
1100.620	am	(P-5596)	
1100.630	am	(P-5596)	
1100.660	am	(P-5596)	
1110.30	am	(P-5619)	
1110.40	am	(P-5619)	
1110.50	n	(P-5619)	
1110.220	am	(P-5619)	
1110.720	am	(P-5619)	
1110.1320	am	(P-5619)	
1110.1330	am	(P-5619)	
1110.1730	am	(P-5619)	
1110.2220	am	(P-5619)	
1110.2230	am	(P-5619)	
1110.2330	am	(P-5619)	
1150.110	r	(P-5580)	
1150.210	r	(P-5580)	
1150.220	r	(P-5580)	
1150.230	r	(P-5580)	
1150.310	r	(P-5580)	
1150.320	r	(P-5580)	
1150.330	r	(P-5580)	
1150.410	r	(P-5580)	
1150.420	r	(P-5580)	
1150.430	r	(P-5580)	
1150.440	r	(P-5580)	
1150.450	r	(P-5580)	
2510.50	am	(P-13694/88; A-334)	
2800.102	am	(P-6856)	

TITLE 80

150.10	am	(P-1643/88; A-5201)	
150.510	am	(P-1643/88; A-5201)	
150.520	am	(P-1643/88; A-5201)	
150.530	am	(P-1643/88; A-5201)	
150.565	am	(P-1643/88; A-5201)	
150.665	am	(P-1643/88; A-5201)	
150.680	am	(P-1643/88; A-5201)	
250.70	am	(P-1921)	
302.190	am	(P-1639)	
302.200	am	(P-1639)	
302.625	am	(P-1639)	
302.800	r	(P-15813/88; A-3722)	
302.800	n	(P-15813/88; A-3722)	
302.810	r	(P-15813/88; A-3722)	
302.810	n	(P-15813/88; A-3722)	
302.820	r	(P-15813/88; A-3722)	
302.820	n	(P-15813/88; A-3722)	
302.822	r	(P-15813/88; A-3722)	

TITLE 80 (CONT'D)

1110.80	am	(P-1355)	
1110.90	am	(P-1355)	
1110.100	am	(P-1355)	
1110.110	am	(P-1355)	
1110.140	am	(P-1355)	
1110.150	am	(P-1355)	
1110.160	am	(P-1355)	
1110.170	am	(P-1355)	
1110.180	n	(P-1355)	
1120.20	am	(P-1379)	
1120.30	am	(P-1379)	
1120.40	am	(P-1379)	
1120.50	am	(P-1379)	
1120.70	n	(P-1379)	
1125.10	am	(P-16375/88; A-1784)	
1125.20	am	(P-16375/88; A-1784)	
1125.30	am	(P-16375/88; A-1784)	
1125.50	r	(P-16375/88; A-1784)	
1125.70	am	(P-16375/88; A-1784)	
1125.80	am	(P-16375/88; A-1784)	
1125.90	r	(P-16375/88; A-1784)	
1125.100	n	(P-16375/88; A-1784)	
1570.40	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.60	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.70	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.80	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.90	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.100	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.110	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.150	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.160	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
2110.30	am	(P-1) (E-214)	
2110.320	am	(P-1) (E-214)	
2110.330	am	(P-1) (E-214)	
2110.510	am	(P-1) (E-214)	
2110.530	am	(P-1) (E-214)	
2150.1	n	(P-10285/88; A-2402)	
2150.2	am	(P-6853)	
2150.5	n	(P-10285/88; A-2402)	
2150.6	n	(P-10285/88; A-2402)	
2650.1	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.5	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.10	n	(P-6871/88; O-1256; R-3411; A-3330)	

TITLE 80 (CONT'D)

2650.15	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.20	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.25	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.30	n	(P-6871/88; O-1256; R-3411; A-3330)	
2700.200	am	(P-253) (E-629)	
2700.440	am	(P-253) (E-629)	
2700.620	am	(P-253) (E-629)	
2700.630	am	(P-253) (E-629)	
2700.650	am	(P-253) (E-629)	
2700.700	am	(P-253) (E-629)	
2700.710	am	(P-253) (E-629)	
2700.720	am	(P-253) (E-629)	
2700.730	am	(P-253) (E-629)	
2700.735	n	(P-253) (E-629)	
2700.740	am	(P-253) (E-629)	
2700.750	am	(P-253) (E-629)	
2700.820	am	(P-253) (E-629)	
2700.920	am	(P-253) (E-629)	
2700.Ap. A	am	(P-253) (E-629)	
Ex. E	am	(P-253) (E-629)	
Ex. F	am	(P-253) (E-629)	

TITLE 83

215.10	am	(P-18026/88; A-4650)	
215.30	am	(P-18026/88; A-4650)	
281.30	am	(P-1647)	
281.90	am	(P-1647)	
281.100	am	(P-1647)	
281.Ex. D	am	(P-1647)	
281.Ex. E	am	(P-1647)	
285.110	am	(P-5229)	
285.115	am	(P-5229)	
285.130	am	(P-5229)	
285.150	am	(P-5229)	
285.160	am	(P-5229)	
285.170	am	(P-5229)	
285.210	am	(P-5229)	
285.310	am	(P-5229)	
285.410	am	(P-5229)	
285.420	am	(P-5229)	
285.1000	n	(P-5229)	
285.1005	n	(P-5229)	
285.1010	n	(P-5229)	
285.1015	n	(P-5229)	
285.2000	n	(P-5229)	
285.2005	n	(P-5229)	
285.2010	n	(P-5229)	
285.2015	n	(P-5229)	
285.2020	n	(P-5229)	
285.2025	n	(P-5229)	
285.2030	n	(P-5229)	
285.2035	n	(P-5229)	

TITLE 83 (CONT'D)			TITLE 86 (CONT'D)			TITLE 89 (CONT'D)			TITLE 86 (CONT'D)		
285.2040	n	(P-5229)	285.5020	n	(P-5229)	200.105	n	(P-19993/88; A-6789)	200.105	n	(P-1460)
285.2045	n	(P-5229)	285.5025	n	(P-5229)	200.110	n	(P-20012/88; A-6808)	200.110	n	(P-1460)
285.2050	n	(P-5229)	285.5030	n	(P-5229)	200.115	n	(P-19993/88; A-6789)	200.115	n	(P-1460)
285.2055	n	(P-5229)	285.5035	n	(P-5229)	200.120	n	(P-20012/88; A-6808)	200.120	n	(P-1460)
285.2060	n	(P-5229)	285.5040	n	(P-5229)	200.125	n	(P-19993/88; A-6789)	200.125	n	(P-1468)
285.2065	n	(P-5229)	285.5045	n	(P-5229)	200.130	n	(P-20012/88; A-6808)	200.130	n	(P-1468)
285.2070	n	(P-5229)	285.5050	n	(P-5229)	200.135	n	(P-19993/88; A-6789)	200.135	n	(P-1473)
285.2075	n	(P-5229)	285.5055	n	(P-5229)	200.140	n	(P-19993/88; A-6789)	200.140	n	(P-1473)
285.2080	n	(P-5229)	285.5060	n	(P-5229)	200.145	n	(P-20012/88; A-6808)	200.145	n	(P-1473)
285.2085	n	(P-5229)	285.5065	n	(P-5229)	200.150	n	(P-19993/88; A-6789)	200.150	n	(P-1473)
285.2090	n	(P-5229)	285.5070	n	(P-5229)	200.155	n	(P-19993/88; A-6789)	200.155	n	(P-1485)
285.2095	n	(P-5229)	285.5075	n	(P-5229)	200.160	n	(P-19993/88; A-6789)	200.160	n	(P-1485)
285.2100	n	(P-5229)	285.5080	n	(P-5229)	200.165	n	(P-19993/88; A-6789)	200.165	n	(P-1485)
285.2105	n	(P-5229)	285.5085	n	(P-5229)	200.170	n	(P-19993/88; A-6789)	200.170	n	(P-1485)
285.2110	n	(P-5229)	285.5090	n	(P-5229)	200.175	n	(P-19993/88; A-6789)	200.175	n	(P-1485)
285.2115	n	(P-5229)	285.5095	n	(P-5229)	210.135	n	(P-11060/88; A-6782)	210.135	n	(P-1485)
285.2120	n	(P-5229)	285.5100	n	(P-5229)	425.10	n	(P-19976/88; A-6780)	425.10	n	(P-1485)
285.2125	n	(P-5229)	285.5105	n	(P-5229)	425.20	n	(P-19976/88; A-6780)	425.20	n	(P-1485)
285.2130	n	(P-5229)	285.5110	n	(P-5229)	432.100	n	(P-15027/88; A-191)	432.100	n	(P-1493)
285.2135	n	(P-5229)	285.5115	n	(P-5229)	432.110	n	(P-15027/88; A-191)	432.110	n	(P-1493)
285.2140	n	(P-5229)	285.5120	n	(P-5229)	432.120	n	(P-15027/88; A-191)	432.120	n	(P-1493)
285.2145	n	(P-5229)	285.5125	n	(P-5229)	432.130	n	(P-15027/88; A-191)	432.130	n	(P-1493)
285.2150	n	(P-5229)	285.5130	n	(P-5229)	432.140	n	(P-15027/88; A-191)	432.140	n	(P-1493)
285.2155	n	(P-5229)	285.5135	n	(P-5229)	432.150	n	(P-15027/88; A-191)	432.150	n	(P-1493)
285.2160	n	(P-5229)	285.5140	n	(P-5229)	432.160	n	(P-15027/88; A-191)	432.160	n	(P-1493)
285.2165	n	(P-5229)	285.5145	n	(P-5229)	432.170	n	(P-15027/88; A-191)	432.170	n	(P-1493)
285.2170	n	(P-5229)	285.5150	n	(P-5229)	432.180	n	(P-15027/88; A-191)	432.180	n	(P-1493)
285.2175	n	(P-5229)	285.5155	n	(P-5229)	432.190	n	(P-15027/88; A-191)	432.190	n	(P-1493)
285.2180	n	(P-5229)	285.5160	n	(P-5229)	432.200	n	(P-15027/88; A-191)	432.200	am	(P-20594/88; A-3897)
285.2185	n	(P-5229)	285.5165	n	(P-5229)	432.210	n	(P-15027/88; A-191)	432.210	n	(P-20743/88; A-3940)
285.2190	n	(P-5229)	285.5170	n	(P-5229)	432.220	n	(P-15027/88; A-191)	432.220	n	(P-20757/88; A-3954)
285.2195	n	(P-5229)	285.5175	n	(P-5229)	432.230	n	(P-15027/88; A-191)	432.230	am	(P-1766/88; A-2496)
285.2200	n	(P-5229)	285.5180	n	(P-5229)	432.240	n	(P-15027/88; A-191)	432.240	am	(P-2958)
285.2205	n	(P-5229)	285.5185	n	(P-5229)	432.250	n	(P-15027/88; A-191)	432.250	am	(P-2958)
285.2210	n	(P-5229)	285.5190	n	(P-5229)	432.260	n	(P-15027/88; A-191)	432.260	am	(P-2958)
285.2215	n	(P-5229)	285.5195	n	(P-5229)	432.270	n	(P-15027/88; A-191)	432.270	am	(P-2958)
285.2220	n	(P-5229)	285.5200	n	(P-5229)	432.280	n	(P-15027/88; A-191)	432.280	am	(P-2958)
285.2225	n	(P-5229)	285.5205	n	(P-5229)	432.290	n	(P-15027/88; A-191)	432.290	am	(P-2958)
285.2230	n	(P-5229)	285.5210	n	(P-5229)	432.300	n	(P-15027/88; A-191)	432.300	am	(P-2958)
285.2235	n	(P-5229)	285.5215	n	(P-5229)	432.310	n	(P-15027/88; A-191)	432.310	am	(P-2958)
285.2240	n	(P-5229)	285.5220	n	(P-5229)	432.320	n	(P-15027/88; A-191)	432.320	am	(P-2958)
285.2245	n	(P-5229)	285.5225	n	(P-5229)	432.330	n	(P-15027/88; A-191)	432.330	am	(P-2958)
285.2250	n	(P-5229)	285.5230	n	(P-5229)	432.340	n	(P-15027/88; A-191)	432.340	am	(P-2958)
285.2255	n	(P-5229)	285.5235	n	(P-5229)	432.350	n	(P-15027/88; A-191)	432.350	am	(P-2958)
285.2260	n	(P-5229)	285.5240	n	(P-5229)	432.360	n	(P-15027/88; A-191)	432.360	am	(P-2958)
285.2265	n	(P-5229)	285.5245	n	(P-5229)	432.370	n	(P-15027/88; A-191)	432.370	am	(P-2958)
285.2270	n	(P-5229)	285.5250	n	(P-5229)	432.380	n	(P-15027/88; A-191)	432.380	am	(P-2958)
285.2275	n	(P-5229)	285.5255	n	(P-5229)	432.390	n	(P-15027/88; A-191)	432.390	am	(P-2958)
285.2280	n	(P-5229)	285.5260	n	(P-5229)	432.400	n	(P-15027/88; A-191)	432.400	am	(P-2958)
285.2285	n	(P-5229)	285.5265	n	(P-5229)	432.410	n	(P-15027/88; A-191)	432.410	am	(P-2958)
285.2290	n	(P-5229)	285.5270	n	(P-5229)	432.420	n	(P-15027/88; A-191)	432.420	am	(P-2958)
285.2295	n	(P-5229)	285.5275	n	(P-5229)	432.430	n	(P-15027/88; A-191)	432.430	am	(P-2958)
285.2300	n	(P-5229)	285.5280	n	(P-5229)	432.440	n	(P-15027/88; A-191)	432.440	am	(P-2958)
285.2305	n	(P-5229)	285.5285	n	(P-5229)	432.450	n	(P-15027/88; A-191)	432.450	am	(P-2958)
285.2310	n	(P-5229)	285.5290	n	(P-5229)	432.460	n	(P-15027/88; A-191)	432.460	am	(P-2958)
285.2315	n	(P-5229)	285.5295	n	(P-5229)	432.470	n	(P-15027/88; A-191)	432.470	am	(P-2958)
285.2320	n	(P-5229)	285.5300	n	(P-5229)	432.480	n	(P-15027/88; A-191)	432.480	am	(P-2958)
285.2325	n	(P-5229)	285.5305	n	(P-5229)	432.490	n	(P-15027/88; A-191)	432.490	am	(P-2958)
285.2330	n	(P-5229)	285.5310	n	(P-5229)	432.500	n	(P-15027/88; A-191)	432.500	am	(P-2958)
285.2335	n	(P-5229)	285.5315	n	(P-5229)	432.510	n	(P-15027/88; A-191)	432.510	am	(P-2958)
285.2340	n	(P-5229)	285.5320	n	(P-5229)	432.520	n	(P-15027/88; A-191)	432.520	am	(P-2958)
285.2345	n	(P-5229)	285.5325	n	(P-5229)	432.530	n	(P-15027/88; A-191)	432.530	am	(P-2958)
285.2350	n	(P-5229)	285.5330	n	(P-5229)	432.540	n	(P-15027/88; A-191)	432.540	am	(P-2958)
285.2355	n	(P-5229)	285.5335	n	(P-5229)	432.550	n	(P-15027/88; A-191)	432.550	am	(P-2958)
285.2360	n	(P-5229)	285.5340	n	(P-5229)	432.560	n	(P-15027/88; A-191)	432.560	am	(P-2958)
285.2365	n	(P-5229)	285.5345	n	(P-5229)	432.570	n	(P-15027/88; A-191)	432.570	am	(P-2958)
285.2370	n	(P-5229)	285.5350	n	(P-5229)	432.580	n	(P-15027/88; A-191)	432.580	am	(P-2958)
285.2375	n	(P-5229)	285.5355	n	(P-5229)	432.590	n	(P-15027/88; A-191)	432.590	am	(P-2958)
285.2380	n	(P-5229)	285.5360	n	(P-5229)	432.600	n	(P-15027/88; A-191)	432.600	am	(P-2958)
285.2385	n	(P-5229)	285.5365	n	(P-5229)	432.610	n	(P-15027/88; A-191)	432.610	am	(P-2958)
285.2390	n	(P-5229)	285.5370	n	(P-5229)	432.620	n	(P-15027/88; A-191)	432.620	am	(P-2958)
285.2395	n	(P-5229)	285.5375	n	(P-5229)	432.630	n	(P-15027/88; A-191)	432.630	am	(P-2958)
285.2400	n	(P-5229)	285.5380	n	(P-5229)	432.640	n	(P-15027/88; A-191)	432.640	am	(P-2958)
285.2405	n	(P-5229)	285.5385	n	(P-5229)	432.650	n	(P-15027/88; A-191)	432.650	am	(P-2958)
285.2410	n	(P-5229)	285.5390	n	(P-5229)	432.660	n	(P-15027/88; A-191)	432.660	am	(P-2958)
285.2415	n	(P-5229)	285.5395	n	(P-5229)	432.670	n	(P-15027/88; A-191)	432.670	am	(P-2958)
285.2420	n	(P-5229)	285.5400	n	(P-5229)	432.680	n	(P-15027/88; A-191)	432.680	am	(P-2958)
285.2425	n	(P-5229)	285.5405	n	(P-5229)	432.690	n	(P-15027/88; A-191)	432.690	am	(P-2958)
285.2430	n	(P-5229)	285.5410	n	(P-5229)	432.700	n	(P-15027/88; A-191)	432.700	am	(P-2958)
285.2435	n	(P-5229)	285.5415	n	(P-5229)	432.710	n	(P-15027/88; A-191)	432.710	am	(P-2958)
285.2440	n	(P-5229)	285.5420	n	(P-5229)	432.720	n	(P-15027/88; A-191)	432.720	am	(P-2958)
285.2445	n	(P-5229)	285.5425	n	(P-5229)	432.730	n	(P-15027/88; A-191)	432.730	am	(P-2958)
285.2450	n	(P-5229)	285.5430	n	(P-5229)	432.740	n	(P-15027/88; A-191)	432.740	am	(P-2958)
285.2455	n	(P-5229)	285.5435	n	(P-5229)	432.750	n	(P-15027/88; A-191)	432.750	am	(P-2958)
285.2460	n	(P-5229)	285.5440	n	(P-5229)	432.760	n	(P-15027/88; A-191)	432.760	am	(P-2958)
285.2465	n	(P-5229)	285.5445	n	(P-5229)	432.770	n	(P-15027/88; A-191)	432.770	am	(P-2958)
285.2470	n	(P-5229)	285.5450	n	(P-5229)	432.780	n	(P-15027/88; A-191)	432.780	am	(P-2958)
285.2475	n	(P-5229)	285.5455	n	(P-5229)	432.790	n	(P-15027/88; A-191)	432.790	am	(P-2958)
285.2480	n	(P-5229)	285.5460	n	(P-5229)	432.800	n	(P-15027/88; A-191)	432.800	am	(P-2958)
285.2485	n	(P-5229)	285.5465	n	(P-5229)	432.810	n	(P-15027/88; A-191)	432.810	am	(P-2958)
285.2490	n	(P-5229)	285.5470	n	(P-5229)	432.820	n	(P-15027/88; A-191)	432.820	am	(P-2958)
285.2495	n	(P-5229)	285.5475	n	(P-5229)	432.830	n	(P-15027/88; A-191)	432.830	am	(P-2958)
285.2500	n	(P-5229)	285.5480	n	(P-5229)	432.840	n	(P-15027/88; A-191)	432.840	am	(P-2958)
285.2505	n	(P-5229)	285.5485	n	(P-5229)	432.850	n	(P-15027/88; A-191)	432.850	am	(P-2958)
285.2510	n	(P-5229)	285.5490	n	(P-5229)	432.860	n	(P-15027/88; A-191)	432.860	am	(P-2958)
285.2515											

TITLE #9 (CONT'D)

110.10	am	(P-2931)	140.43	n	(P-1986/88; A-7025)
111.1	n	(P-2067/88; A-3840)	140.100	am	(P-1642/88; O-1259; M-3195; A-3069)
111.101	n	(P-1592/08; A-85)	140.350	am	(P-5958/88; A-3351)
112.5	n	(P-2066/88; A-6017)	140.362	am	(P-5958/88; A-3351)
112.40	am	(P-1948)	140.363	am	(P-5958/88; A-3351)
112.78	am	(P-2220/88; A-6017)	140.364	r	(P-5958/88; A-3351)
112.98	am	(P-2236)	140.364	n	(P-5958/88; A-3351)
112.252	am	(P-1590/88; A-70)	140.364	n	(P-5958/88; A-3351)
112.253	am	(P-1590/88; A-70)	140.367	am	(P-5958/88; A-3351)
112.254	am	(P-1590/88; A-70)	140.369	am	(P-5958/88; A-3351)
112.318	n	(P-4116)	140.370	am	(P-5958/88; A-3351)
113.5	n	(P-2065/88; A-6007)	140.372	am	(P-5958/88; A-3351)
113.142	am	(P-1589/88; A-63)	140.373	am	(P-5958/88; A-3351)
113.157	am	(P-3440)	140.376	r	(P-5958/88; A-3351)
113.253	am	(E-3402) (P-1589/88; A-63)	140.390	am	(P-1764/88; A-5115)
113.260	am	(E-3402) (P-1589/88; A-63)	140.392	am	(P-1764/88; A-5115)
113.302	am	(P-2229/88; A-6007)	140.394	am	(P-1764/88; A-5115)
113.302	am	(P-4481)	140.400	am	(P-1717/88; A-2475)
114.5	n	(P-2067/88; A-3900)	140.400	am	(P-1717/88; A-2475)
114.127	am	(P-1499/88; A-89) (P-1959)	140.404	am	(P-1717/88; A-2475)
114.128	am	(P-1762/88; A-1546)	140.443	am	(P-1717/88; A-2475)
114.220	am	(P-5456)	140.445	am	(P-1717/88; A-2475)
114.240	r	(P-5456)	140.447	am	(P-1717/88; A-2475)
114.351	am	(P-1592/88; A-89)	140.512	am	(P-1195/88; A-125)
114.352	am	(P-1592/88; A-89)	140.525	am	(P-1717/88; A-5718)
114.353	am	(P-1592/88; A-89)	140.526	am	(P-1420)
115.1	n	(P-2073/88; A-3932)	140.569	am	(P-5465)
115.10	am	(P-2702)	140.850	re	(A-7040)
115.30	am	(P-2702)	140.855	re	(A-7040)
116.10	n	(P-2068/88; A-3847)	140.860	re	(A-7040)
117.1	n	(P-2073/88; A-3936)	140.865	re	(A-7040)
117.20	am	(P-5487)	140.870	re	(A-7040)
118.300	n	(P-2075/88; A-3950)	140.875	re	(A-7040)
120.1	n	(P-2070/88; A-3908)	140.880	re	(A-7040)
120.40	am	(P-1763/88; A-2081)	140.885	re	(A-7040)
120.70	am	(P-3281)	140.890	re	(A-7040)
120.72	n	(P-3281)	140.895	re	(A-7040)
120.74	n	(P-3281)	140.896	re	(A-7040)
120.76	n	(P-3281)	140.896	n	(P-1170/88; A-5718)
120.382	am	(P-1593/88; A-116) (P-3281)	140.896	n	(P-2037/88; A-3850)
121.58	am	(P-3541)	141.200	am	(P-2037/88; A-3850)
121.62	am	(P-3541)	141.200	am	(P-1548/88; A-516)
121.135	n	(P-2068/88; A-3890)	141.240	am	(P-1548/88; A-516)
130.301	am	(P-4469)	141.1280	am	(P-1548/88; A-516) (P-2037/88; A-3850)
130.302	am	(P-4469)	141.1480	am	(P-1548/88; A-516)
130.310	am	(P-4469)	141.1520	am	(P-1548/88; A-516)
130.312	am	(P-4469)	141.1680	am	(P-1548/88; A-516)
130.313	am	(P-4469)	141.1680	am	(P-1548/88; A-516)
130.314	am	(P-4469)	141.1760	am	(P-1548/88; A-516)
130.321	am	(P-4469)	141.2280	am	(P-1548/88; A-516)
130.500	n	(P-2064/88; A-3831)			
140.16	am	(P-2937)			
140.17	am	(P-2937)			
140.19	am	(P-1297/88; A-3917)			
140.21	n	(P-3295)			

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141.2360	am	(P-1548/88; A-516)	160.110	n	(P-1396)
141.2400	am	(P-1548/88; A-516)	160.120	n	(P-1396)
141.2600	am	(P-2037/88; A-3850)	160.130	n	(P-1396)
141.2760	am	(P-1548/88; A-516) (P-2037/88; A-3850)	160.140	n	(P-1396)
141.2920	am	(P-2037/88; A-3850)	160.150	n	(P-1396)
141.2960	am	(P-1548/88; A-516) (P-2037/88; A-3850)	160.160	n	(P-1396)
141.3280	am	(P-2037/88; A-3850)	165.1	am	(P-2067/88; A-3843)
141.3440	am	(P-1548/88; A-516)	165.10	am	(P-5450)
141.3480	am	(P-1548/88; A-516)	165.20	am	(P-5450)
141.3600	am	(P-2037/88; A-3850)	165.70	am	(P-5450)
141.3760	am	(P-1548/88; A-516)	170.100	n	(P-4490)
141.3800	am	(P-1548/88; A-516) (P-2037/88; A-3850)	170.110	n	(P-4490)
141.3840	am	(P-1548/88; A-516)	170.120	n	(P-4490)
141.3920	am	(P-2037/88; A-3850)	170.130	n	(P-4490)
141.4000	am	(P-1548/88; A-516)	170.200	n	(P-4490)
141.4040	am	(P-1548/88; A-516)	230.360	am	(P-1477/88; A-2015)
141.4160	am	(P-1548/88; A-516)	230.362	am	(P-1477/88; A-2015)
141.4200	am	(P-2037/88; A-3850)	230.365	am	(P-1477/88; A-2015)
141.4230	n	(P-2037/88; A-3850)	230.510	n	(P-1213/88; A-3054)
141.4440	am	(P-1548/88; A-516)	230.520	n	(P-1213/88; A-3054)
141.4520	am	(P-1548/88; A-516)	230.530	n	(P-1213/88; A-3054)
141.4720	am	(P-1548/88; A-516)	230.540	n	(P-1213/88; A-3054)
141.4760	am	(P-1548/88; A-516)	230.550	n	(P-1213/88; A-3054)
141.4800	am	(P-2037/88; A-3850)	230.550	n	(P-1213/88; A-3054)
146.5	re	(A-7040)	230.570	n	(P-1213/88; A-3054)
146.25	re	(A-7040)	230.580	n	(P-1213/88; A-3054)
146.50	re	(A-7040)	240.1400	n	(P-685)
146.75	re	(A-7040)	240.1410	am	(P-685)
146.100	re	(A-7040)	240.1420	am	(P-685)
146.105	re	(A-7040)	240.1430	n	(P-685)
146.125	re	(A-7040)	240.1440	n	(P-685)
146.150	re	(A-7040)	240.1450	n	(P-685)
146.175	re	(A-7040)	240.1700	n	(P-685)
146.200	re	(A-7040)	240.1705	n	(P-685)
146.225	re	(A-7040)	240.1710	n	(P-685)
147.25	am	(P-3562)	240.1715	n	(P-685)
147.50	am	(P-10627/88; A-559)	240.1718	n	(P-685)
147.75	am	(P-10627/88; A-559)	240.1720	n	(P-685)
147.100	am	(P-1548/88; A-516)	240.1722	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1730	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1735	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1737	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1738	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1739	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1739	n	(P-685)
147.205	am	(P-1548/88; A-516)	240.1960	n	(P-685)
147.205	am	(P-1548/88; A-516)	300.20	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.30	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.90	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.100	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.110	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.130	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.140	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	300.160	am	(P-11953/88; A-2419)
147.205	am	(P-1548/88; A-516)	310.12	am	(P-11953/88; A-2419)

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334.11	am	(P-11915/88; A-6986)	510.410	r	(P-3020)
334.12	am	(P-11915/88; A-6986)	510.420	r	(P-3020)
334.13	am	(P-11915/88; A-6986)	520.20	am	(P-6911/88; A-5149)
357.2	am	(P-13807/88; A-3344)	520.30	am	(P-6911/88; A-5149)
357.3	am	(P-13807/88; A-3344)	520.100	am	(P-6911/88; A-5149)
357.11	am	(P-13807/88; A-3344)	530.5	n	(P-3565/88; A-141)
385.20	am	(P-13744/88; A-5917)	530.10	am	(P-3565/88; A-141)
385.30	am	(P-13744/88; A-5917)	530.20	r	(P-3565/88; A-141)
385.40	am	(P-13744/88; A-5917)	530.100	r	(P-3565/88; A-141)
431.5	am	(P-11922/88; O-22457/88; R-2532; A-2407)	530.105	r	(P-3565/88; A-141)
431.6	am	(P-11922/88; A-2407)	530.110	am	(P-3565/88; A-141)
431.7	am	(P-11922/88; A-2407)	530.120	r	(P-3565/88; A-141)
431.11	n	(P-11922/88; O-22457/88; R-2532; A-2407)	530.130	am	(P-3565/88; A-141)
431.12	#	(P-11922/88; A-2407)	530.140	am	(P-3565/88; A-141)
432.8	#	(P-3225)	530.150	r	(P-3565/88; A-141)
432.8	n	(P-3225)	530.200	n	(P-3565/88; A-141)
432.8	n	(P-3225)	530.220	n	(P-3565/88; A-141)
437.4	am	(P-13752/88; A-3339)	530.240	n	(P-3565/88; A-141)
437.8	#	(P-13752/88; A-3339)	530.260	n	(P-3565/88; A-141)
437.8	n	(P-13752/88; A-3339)	552.100	am	(P-52; W-4309)
437.9	#	(P-13752/88; A-3339)	557.10	am	(P-5914)
437.9	am	(P-13752/88; A-3339)	562.30	am	(P-281)
510.10	n	(P-3036)	567.10	am	(P-281)
510.10	r	(P-3020)	587.50	am	(P-2192/88; A-1850)
510.20	r	(P-3036)	587.110	am	(P-2192/88; A-1850)
510.20	r	(P-3020)	587.130	am	(P-2192/88; A-1850)
510.30	r	(P-3036)	587.500	am	(P-2192/88; A-1850)
510.30	r	(P-3020)	592.45	am	(P-2092/88; A-1573)
510.30	r	(P-3020)	597.20	am	(P-2197/88; A-1568)
510.40	n	(P-3036)	597.150	am	(P-2197/88; A-1568)
510.40	r	(P-3020)	607.60	am	(P-56) (E-225; O-3478)
510.50	n	(P-3036)	675.300	am	(P-13956/88; A-6768)
510.50	r	(P-3020)	685.600	am	(P-15023/88; A-5158)
510.60	n	(P-3036)	700.200	am	(P-10409/88; A-3101)
510.60	r	(P-3020)	700.300	am	(P-10409/88; A-3101)
510.70	n	(P-3036)	714.10	am	(P-4152)
510.80	n	(P-3036)	714.20	am	(P-4152)
510.90	n	(P-3036)	714.30	am	(P-4152)
510.100	n	(P-3036)	765.10	am	(P-13948/88; A-5154)
510.110	n	(P-3036)	829.10	n	(P-5990/88; A-5755)
510.120	r	(P-3020)	829.20	n	(P-5990/88; A-5755)
510.130	r	(P-3020)	829.30	n	(P-5990/88; A-5755)
510.140	r	(P-3020)	829.40	n	(P-5990/88; A-5755)
510.210	r	(P-3020)	829.50	n	(P-5990/88; A-5755)
510.220	r	(P-3020)	829.60	n	(P-5990/88; A-5755)
510.230	r	(P-3020)	829.70	n	(P-5990/88; A-5755)
510.240	r	(P-3020)	829.80	n	(P-5990/88; A-5755)
510.250	r	(P-3020)	829.90	n	(P-5990/88; A-5755)
510.260	r	(P-3020)	843.10	am	(P-15015/88; A-4298)
510.270	r	(P-3020)	843.30	am	(P-15015/88; A-4298)
510.280	r	(P-3020)	843.50	am	(P-15015/88; A-4298)
510.290	r	(P-3020)	843.60	am	(P-15015/88; A-4298)
510.300	r	(P-3020)	843.70	am	(P-15015/88; A-4298)
510.310	r	(P-3020)	843.150	am	(P-15015/88; A-4298)
510.320	r	(P-3020)	843.160	am	(P-15015/88; A-4298)

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845.40	n	(P-4641)	1300.340	am	(P-19223/88; A-4644)
895.10	n	(P-3310)			
895.20	n	(P-3310)			
895.30	n	(P-3310)			
895.40	n	(P-3310)			
895.50	n	(P-3310)			
895.60	n	(P-3310)			
895.70	n	(P-3310)			
1300.340	am	(P-19223/88; A-4644)			

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10.30	am	(P-19365/88; A-3962)			
10.40	am	(P-19365/88; A-3962)			
10.50	am	(P-19365/88; A-3962)			
10.60	am	(P-19365/88; A-3962)			
10.70	am	(P-19365/88; A-3962)			
10.80	am	(P-19365/88; A-3962)			
10.90	am	(P-19365/88; A-3962)			
10.10	n	(P-15049/88; A-3384)			
10.20	n	(P-15049/88; A-3384)			
10.30	n	(P-15049/88; A-3384)			
10.40	n	(P-15049/88; A-3384)			
10.50	n	(P-15049/88; A-3384)			
10.60	n	(P-15049/88; A-3384)			
10.70	n	(P-15049/88; A-3384)			
10.80	n	(P-15049/88; A-3384)			
10.90	n	(P-15049/88; A-3384)			
11.14	n	(P-20032/88; A-3984)			
171.4	n	(P-20032/88; A-3984)			
171.21	n	(P-20032/88; A-3984)			
171.1000	am	(P-20040/88; A-3993)			
172.2000	am	(P-20040/88; A-3993)			
173.3000	am	(P-20055/88; A-3957)			
177.2000	am	(P-20027/88; A-3957)			
178.2000	am	(P-20045/88; A-4004)			
448.4p. A	am	(P-1127)			
Ex. A	am	(P-1127)			
451.10	n	(P-16536/88; W-2882)			
451.20	n	(P-16536/88; W-2882)			
451.30	n	(P-16536/88; W-2882)			
451.40	n	(P-16536/88; W-2882)			
451.50	n	(P-16536/88; W-2882)			
451.60	n	(P-16536/88; W-2882)			
451.70	n	(P-16536/88; W-2882)			
451.80	n	(P-16536/88; W-2882)			
451.90	n	(P-16536/88; W-2882)			
451.100	n	(P-16536/88; W-2882)			
451.110	n	(P-16536/88; W-2882)			
451.120	n	(P-16536/88; W-2882)			
451.130	n	(P-16536/88; W-2882)			
451.140	n	(P-16536/88; W-2882)			
451.150	n	(P-16536/88; W-2882)			
451.160	n	(P-16536/88; W-2882)			
451.170	n	(P-16536/88; W-2882)			
451.180	n	(P-16536/88; W-2882)			
451.190	n	(P-16536/88; W-2882)			
451.200	n	(P-16536/88; W-2882)			
451.210	n	(P-16536/88; W-2882)			
451.220	n	(P-16536/88; W-2882)			
451.230	n	(P-16536/88; W-2882)			
451.240	n	(P-16536/88; W-2882)			
451.250	n	(P-16536/88; W-2882)			
451.260	n	(P-16536/88; W-2882)			
451.270	n	(P-16536/88; W-2882)			
451.280	n	(P-16536/88; W-2882)			
451.290	n	(P-16536/88; W-2882)			
451.300	n	(P-16536/88; W-2882)			
451.310	n	(P-16536/88; W-2882)			
451.320	n	(P-16536/88; W-2882)			
451.330	n	(P-16536/88; W-2882)			
451.340	n	(P-16536/88; W-2882)			
451.350	n	(P-16536/88; W-2882)			
451.360	n	(P-16536/88; W-2882)			
451.370	n	(P-16536/88; W-2882)			
451.380	n	(P-16536/88; W-2882)			
451.390	n	(P-16536/88; W-2882)			
451.400	n	(P-16536/88; W-2882)			
451.410	n	(P-16536/88; W-2882)			
451.420	n	(P-16536/88; W-2882)			
451.430	n	(P-16536/88; W-2882)			
451.440	n	(P-16536/88; W-2882)			
451.450	n	(P-16536/88; W-2882)			
451.460	n	(P-16536/88; W-2882)			
451.470	n	(P-16536/88; W-2882)			
451.480	n	(P-16536/88; W-2882)			
451.490	n	(P-16536/88; W-2882)			
451.500	n	(P-16536/88; W-2882)			

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518.505	n	(PP-7057)
518.600	n	(PP-7057)
518.700	n	(PP-7057)
518.705	n	(PP-7057)
518.710	n	(PP-7057)
518.715	n	(PP-7057)
518.720	n	(PP-7057)
518.725	n	(PP-7057)
518.730	n	(PP-7057)
518.735	n	(PP-7057)
518.740	n	(PP-7057)
518.745	n	(PP-7057)
518.750	n	(PP-7057)
518.800	n	(PP-7057)
518.805	n	(PP-7057)
518.810	n	(PP-7057)
518.815	n	(PP-7057)
518.820	n	(PP-7057)
518.825	n	(PP-7057)
518.830	n	(PP-7057)
518.835	n	(PP-7057)
518.840	n	(PP-7057)
518.845	n	(PP-7057)
518.850	n	(PP-7057)
518.855	n	(PP-7057)
518.860	n	(PP-7057)
518.865	n	(PP-7057)
518.870	n	(PP-7057)
518.875	n	(PP-7057)
518.900	n	(PP-7057)
518.905	n	(PP-7057)
518.910	n	(PP-7057)
518.915	n	(PP-7057)
518.920	n	(PP-7057)
518.925	n	(PP-7057)
518.1000	n	(PP-7057)
518.1005	n	(PP-7057)
518.2000	n	(PP-7057)
518.2005	n	(PP-7057)
518.2010	n	(PP-7057)
518.3000	n	(PP-7057)
518.3005	n	(PP-7057)
518.3010	n	(PP-7057)
518.4000	n	(PP-7057)
518.4005	n	(PP-7057)
518.4010	n	(PP-7057)
518.4015	n	(PP-7057)
518.4020	n	(PP-7057)
518.4025	n	(PP-7057)
518.4030	n	(PP-7057)
518.4035	n	(PP-7057)
518.4040	n	(PP-7057)
518.4045	n	(PP-7057)
518.4050	n	(PP-7057)
518.4055	n	(PP-7057)
518.4060	n	(PP-7057)

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1206.20	am	(P-1671)
1225.45	am	(P-1676)
1235.10	n	(P-17045/88; A-4658)
1235.15	n	(P-17045/88; A-4658)
1235.20	n	(P-17045/88; A-4658)
1235.25	n	(P-17045/88; A-4658)
1235.30	n	(P-17045/88; A-4658)
1235.35	n	(P-17045/88; A-4658)
1235.40	n	(P-17045/88; A-4658)
1235.45	n	(P-17045/88; A-4658)
1235.50	n	(P-17045/88; A-4658)
1235.55	n	(P-17045/88; A-4658)
1304.10	n	(P-13381/88; A-4654)
1710.160	am	(P-10)

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TITLE 11			TITLE 35 (CONT'D)			TITLE 77 (CONT'D)			TITLE 92 (CONT'D)		
404.20	am	(A-7440)	365.903	n	(A-7351)	2056.700	am	(A-7274)	1001.110	am	(P-7229)
404.200	am	(A-7440)	365.904	n	(A-7351)	2056.710	am	(A-7274)	1001.210	am	(P-7229)
437.10	n	(R-7484; A-7435)	365.905	n	(A-7351)	2056.Ap. A	am	(A-7274)	1001.220	am	(P-7229)
437.20	n	(R-7484; A-7435)	365.1001	n	(A-7351)	TITLE 80			1001.230	am	(P-7229)
437.30	n	(R-7484; A-7435)	365.1002	n	(A-7351)	250.50	am	(A-7324)	1001.240	am	(P-7229)
437.40	n	(R-7484; A-7435)	365.1003	n	(A-7351)	TITLE 83			1001.250	am	(P-7229)
TITLE 20			365.1101	n	(A-7351)	535.10	n	(A-7331)	1001.260	am	(P-7229)
501.130	n	(P-7181)	365.1102	n	(A-7351)	535.15	n	(A-7331)	1001.260	am	(P-7229)
TITLE 35			365.1102	n	(A-7351)	535.100	n	(A-7331)	1001.300	am	(P-7229)
365.101	n	(A-7351)	365.Ap. A	n	(A-7351)	535.110	n	(A-7331)	1001.320	am	(P-7229)
365.102	n	(A-7351)	Ex. A	n	(A-7351)	535.115	n	(A-7331)	1001.330	am	(P-7229)
365.103	n	(A-7351)	Ex. B	n	(A-7351)	535.120	n	(A-7331)	1001.340	am	(P-7229)
365.104	n	(A-7351)	Ex. C	n	(A-7351)	535.200	n	(A-7331)	1001.360	am	(P-7229)
365.201	n	(A-7351)	TITLE 44			535.205	n	(A-7331)	1001.400	am	(P-7229)
365.202	n	(A-7351)	4400.25	n	(A-7444)	535.210	n	(A-7331)	1001.410	am	(P-7229)
365.203	n	(A-7351)	4400.Ap. A	n	(A-7444)	535.320	n	(A-7331)	1001.420	am	(P-7229)
365.204	n	(A-7351)	4400.Ap. B	n	(A-7444)	535.330	n	(A-7331)	1001.430	am	(P-7229)
365.205	n	(A-7351)	4400.Ap. C	n	(A-7444)	535.340	n	(A-7331)	1001.440	am	(P-7229)
365.301	n	(A-7351)	4400.Ap. D	n	(A-7444)	535.350	n	(A-7331)	1001.450	am	(P-7229)
365.302	n	(A-7351)	TITLE 68			535.360	n	(A-7331)	1001.460	am	(P-7229)
365.303	n	(A-7351)	1175.425	am	(P-7185)	535.400	n	(A-7331)	1001.470	am	(P-7229)
365.304	n	(A-7351)	1175.600	am	(P-7185)	535.410	n	(A-7331)	1001.480	am	(P-7229)
365.401	n	(A-7351)	TITLE 77			535.510	n	(A-7331)			
365.402	n	(A-7351)	698.10	n	(P-7194)	TITLE 86					
365.403	n	(A-7351)	698.20	n	(P-7194)	110.105	am	(A-7469)			
365.404	n	(A-7351)	698.30	n	(P-7194)	110.160	am	(A-7469)			
365.405	n	(A-7351)	698.40	n	(P-7194)	150.325	am	(P-7215)			
365.501	n	(A-7351)	698.50	n	(P-7194)	150.330	am	(P-7215)			
365.502	n	(A-7351)	698.60	n	(P-7194)	150.1401	am	(P-7215)			
365.503	n	(A-7351)	698.70	n	(P-7194)	150.1405	am	(P-7215)			
365.504	n	(A-7351)	698.Ap. A	n	(P-7194)	150.1415	am	(P-7215)			
365.505	n	(A-7351)	2056.1	am	(A-7274)	TITLE 89					
365.506	n	(A-7351)	2056.5	am	(A-7274)	310.2	am	(A-7308)			
365.601	n	(A-7351)	2056.55	am	(A-7274)	310.12	am	(R-7483; A-7308)			
365.602	n	(A-7351)	2056.60	am	(A-7274)	310.13	am	(A-7308)			
365.603	n	(A-7351)	2056.61	n	(A-7274)	310.14	am	(A-7308)			
365.604	n	(A-7351)	2056.70	am	(A-7274)	310.15	am	(A-7308)			
365.605	n	(A-7351)	2056.75	am	(A-7274)	310.16	am	(A-7308)			
365.606	n	(A-7351)	2056.900	am	(A-7274)	597.150	am	(P-7212)			
365.607	n	(A-7351)	2056.320	am	(A-7274)	650.700	n	(A-7465)			
365.701	n	(A-7351)	2056.330	am	(A-7274)	TITLE 92					
365.702	n	(A-7351)	2056.405	am	(A-7274)	1001.30	am	(P-7229)			
365.703	n	(A-7351)	2056.415	am	(A-7274)	1001.50	am	(P-7229)			
365.704	n	(A-7351)	2056.415	am	(A-7274)	1001.60	am	(P-7229)			
365.705	n	(A-7351)	2056.420	am	(A-7274)	1001.70	am	(P-7229)			
365.706	n	(A-7351)	2056.500	am	(A-7274)	1001.100	am	(P-7229)			
365.707	n	(A-7351)	2056.505	am	(A-7274)						
365.801	n	(A-7351)	2056.510	am	(A-7274)						
365.802	n	(A-7351)	2056.515	am	(A-7274)						
365.901	n	(A-7351)	2056.605	am	(A-7274)						
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